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William L. L. L.

PUBLIC ACTS
AND
JOINT AND CONCURRENT RESOLUTIONS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,
PASSED AT THE
REGULAR SESSION OF 1883,
WITH AN APPENDIX.



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PUBLIC ACTS, 1883.

[No. 1.]

AN ACT making an appropriation for the repair of the Michigan soldiers and sailors' monument at Detroit, and to provide a fund for its care and preservation.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated for the repair of the railing and foundation thereof surrounding the soldiers and sailors' monument in the city of Detroit, the sum of three hundred and fifty dollars, or so much thereof as may be necessary, which sum the State treasurer is authorized and required to pay out of the general fund in the treasury, from any moneys now in said fund not otherwise appropriated, to the treasurer of the said monument association, upon the requisition of the president and the receipt of the treasurer thereof. Appropriation of \$350.00.

SEC. 2. For the care and preservation of said monument and its appurtenances, and for current expenses connected therewith, a sum not exceeding one hundred dollars in each year is hereby appropriated, which sum, or so much thereof as may be necessary, shall be paid annually in the month of September out of the general fund by the State treasurer to the chairman of the executive committee of said monument association, upon requisition, approved by the president. Appropriation of \$100.00 per annum.

Ordered to take immediate effect.

Approved January 31, 1883.

[No. 2.]

AN ACT making an appropriation for the salaries of the circuit judges.

SECTION 1. *The People of the State of Michigan enact*, That each of the judges of the circuit courts shall receive, from and after the first day of January, one thousand eight hundred and eighty-three, a salary at the rate of two thousand five hundred dollars per annum, payable quarter yearly or monthly, out of any money in Salaries of circuit judges. When payable.

the State treasury belonging to the general fund, not otherwise appropriated.

Acts repealed.

SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Ordered to take immediate effect.

Approved January 31, 1883.

[No. 3.]

AN ACT to amend section twenty-four of act number one hundred and forty-nine of the session laws of eighteen hundred and sixty-nine, so as to require the reports from directors of river improvement companies to be made by the secretary and one or more of the directors.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-four of act number one hundred and forty-nine of the session laws of eighteen hundred and sixty-nine, being section two thousand seven hundred and thirty-nine of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows :

Report to be made by Secretary and one or more directors.

(2739.) SEC. 24. On or before the first Monday in January in each year it shall be the duty of the directors of every company formed under this act, to report to the secretary of State, under the oath of the secretary and one or more of the directors, the length of the stream or waters so improved; the cost of such improvements; the amount of money expended; the amount of their capital; how much of the same is paid in, and how much is expended; the whole amount of tolls or earnings expended on such improvement; the amount received during the previous years for tolls and from all other sources, stating each separately; the amount set apart for repairs; the amount of dividends made, and the amount of indebtedness of such company, specifying the object for which such indebtedness accrued.

Approved January 31, 1883.

[No. 4.]

AN ACT to amend section ten of chapter one hundred and seventy-two, of the compiled laws of eighteen hundred and seventy-one, as amended by act number seven of the session laws of eighteen hundred and seventy-seven, relative to testamentary guardians.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand eight hundred and nineteen of the compiled laws of eighteen hundred and seventy-one, being section ten of chapter one hundred and seventy-two, as amended by act seven of

the session laws of eighteen hundred and seventy-seven, relative to testamentary guardians, be amended so as to read as follows:

(4819.) Sec. 10. Every father may, by his last will in writing, appoint a guardian or guardians for any of his children, whether born at the time of making the will or afterwards, to continue during the minority of the child or for any less time, and every such testamentary guardian shall have the same powers and shall perform the same duties with regard to the person and estate of the ward as a guardian appointed by the judge of probate: *Provided*, That when the mother of such children shall survive the father, the appointment of guardian by such will shall not be operative until approved by the judge of probate, and after opportunity afforded to the mother to show cause in opposition thereto. An appeal shall lie from the order of approval of the judge of probate as in cases of other orders and decrees of the probate court. *And provided further*, That the mother of a child whose father died without making an appointment of guardian as above provided, and for whom no guardian has been otherwise appointed, may, by her last will in writing, appoint a guardian or guardians of such child, the same as the father might have done under the provisions of this section.

Father may appoint guardian by will.

When appointment to be approved by probate judge.

When mother may appoint guardian by will.

This act is ordered to take immediate effect.

Approved February 3, 1883.

[No. 5.]

AN ACT to regulate the setting or placing of trap nets or other fishing apparatus in the rivers of this State.

SECTION 1. *The People of the State of Michigan enact*, That hereafter it shall not be lawful for any person or persons to set or place any trap nets or other fishing apparatus in the main channel or course of the rivers or streams of this State, in such a manner as to obstruct the free passage of fish up and down the same; nor shall it be lawful for any person or persons to place or set any such nets or apparatus so as to extend a further distance from the channel bank of said river than one third of the whole breadth of the main channel or course of the same.

Prohibiting placing of nets, etc., in streams of the State.

SEC. 2. Any person violating any of the provisions of this act shall, on conviction thereof, before any court of competent jurisdiction, be punished by a fine of not more than one hundred dollars, or by imprisonment in the jail of the county wherein he shall be convicted for a period not exceeding three months or by both such fine and imprisonment in the discretion of the court, together with costs of prosecution.

Penalty.

This act is ordered to take immediate effect.

Approved February 21, 1883.

[No. 6.]

AN ACT to change the name of the "Michigan reform school for girls" to "the State industrial home for girls."

Name changed.

SECTION 1. *The People of the State of Michigan enact*, That the institution heretofore known and designated as "the Michigan reform school for girls" shall hereafter be known and designated as "the State industrial home for girls."

Acts repealed.

SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Ordered to take immediate effect.

Approved February 21, 1883.

[No. 7.]

AN ACT to amend section two of act number twenty-eight of the session laws of eighteen hundred and seventy-seven, approved March ninth, eighteen hundred and seventy-seven, entitled "An act to provide for the appointment of an assistant prosecuting attorney for the county of Wayne."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number twenty eight of the session laws of eighteen hundred and seventy-seven, approved March ninth, eighteen hundred and seventy-seven, entitled "An act to provide for the appointment of an assistant prosecuting attorney for the county of Wayne," be and the same is hereby amended so as to read as follows:

Salary.

SEC. 2. That the salary of said assistant prosecuting attorney shall not exceed the sum of twenty-five hundred dollars, or be less than fifteen hundred dollars per annum.

This act is ordered to take immediate effect.

Approved February 21, 1883.

[No. 8.]

AN ACT to amend section eleven of an act entitled "An act to authorize the formation of companies for the introduction of water into towns, cities, and villages in the State of Michigan," being section three thousand three hundred and sixty-five of the compiled laws of eighteen hundred and seventy-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section eleven of an act entitled "An act to authorize the formation of companies for the introduction of water into towns, cities, and villages in the State of Michigan," being section three thousand three hundred and sixty-five of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

SEC. 11. The stockholders of all corporations organized under this act shall be individually liable for all labor performed, and materials furnished for said corporation during the time they were stockholders as aforesaid, which said liability may be enforced against any stockholder, founded on this statute, at any time after an execution shall be returned not satisfied against such company: *Individual liability of stockholders.*
Provided, always, that if any stockholder shall be compelled by any such action to pay such debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued. *Provided.*

Ordered to take immediate effect.

Approved March 13, 1883.

[No. 9.]

AN ACT to amend section one of chapter four of act number one hundred and sixty-four of the laws of eighteen hundred and eighty-one, relating to public instruction.

SECTION 1. *The People of the State of Michigan enact,* That section one of chapter four of act number one hundred and sixty-four of the session laws of eighteen hundred and eighty-one be amended so as to read as follows: *Section amended.*

SEC. 1. The school inspectors of each township, together with the township clerk, shall constitute the township board of school inspectors (who shall elect one of their number chairman), and the township clerk shall be the clerk thereof. *Board of school inspectors. Chairman of.*

Approved March 15, 1883.

[No. 10.]

AN ACT to amend section four of an act entitled "An act to amend sections two, four, five, six, seven, and twelve of an act entitled 'an act to revise and consolidate the several acts relating to the protection of game, and for the better preservation of elk, deer, birds, and wild fowl,' approved April third, eighteen hundred and sixty-nine, and section one of said act as amended by act number sixty-four of the laws of eighteen hundred and seventy-seven, and section eight of said act as amended by act number two hundred and one of the laws of eighteen hundred and seventy-five, being section two thousand and ninety-three as amended by said act number sixty-four of the laws of eighteen hundred and seventy-seven, and sections two thousand and ninety-four, two thousand and ninety-six, two thousand and ninety-seven, two thousand and ninety-eight, two thousand and

ninety-nine, two thousand and one hundred, the last named section as amended by said act number two hundred and one of the laws of eighteen hundred and seventy-five, and two thousand one hundred and four of the compiled laws of eighteen hundred and seventy-one," approved June ten, eighteen hundred and eighty-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of an act entitled "An act to amend sections two, four, five, six, seven, and twelve of an act entitled 'an act to revise and consolidate the several acts relating to the protection of game, and for the better preservation of elk, deer, birds, and wild fowl,' approved April third, eighteen hundred and sixty-nine, and section one of said act as amended by act number sixty-four of the laws of eighteen hundred and seventy-seven, and section eight of said act as amended by act number two hundred and one of the laws of eighteen hundred and seventy-five, being section two thousand and ninety-three as amended by said act number sixty-four of the laws of eighteen hundred and seventy-seven, and sections two thousand and ninety-four, two thousand and ninety-six, two thousand and ninety-seven, two thousand and ninety-eight, two thousand and ninety-nine, two thousand and one hundred, the last named section as amended by said act number two hundred and one of the laws of eighteen hundred and seventy-five and two thousand one hundred and four of the compiled laws of eighteen hundred and seventy-one," approved June ten, eighteen hundred and eighty-one, be amended so as to read as follows :

Prohibiting use
of swivel guns,
etc., and molest-
ing wild fowl at
nesting places,
etc.

SEC. 4. No person or persons shall at any time kill or attempt to kill, any wild duck or other wild fowl with or by means of a swivel or punt gun, or by means or use of any battery, sunken boat, or other device similar to a battery, or rob or destroy the nests of any wild duck or wild goose or brant, or in any manner kill or molest the same, at night or at any time, on their nesting places.

Approved March 15, 1883.

[No. 11.]

AN ACT to amend sections seventeen hundred and thirty-four and seventeen hundred and thirty-five (being sections forty-three and forty-four of chapter forty-six), of the compiled laws of eighteen hundred and seventy-one, and to add a new section thereto, relative to notices of diseases dangerous to the public health.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections seventeen hundred and thirty-four and seventeen hundred and thirty-five (being compiler's sections forty-three and forty-four of chapter forty-six), of the compiled laws of one thousand eight hundred and seventy-one, be and the same are hereby amended so as to read as follows :

(1734.) SEC. 43. Whenever any householder, hotel keeper, keeper

See Laws
1879 p 20

of a boarding house, or tenant, shall know, or shall be informed by a physician, or shall have reason to believe, that any person in his family, hotel, boarding house, or premises is taken sick with small-pox, cholera, diphtheria, scarlet fever, or any other disease dangerous to the public health, he shall immediately give notice thereof, to the health officer, the president, or the clerk of the board of health of the township, city, or village in which he resides. Said notice shall state the name of the person sick, the name of the disease, the name of the householder, hotel keeper, keeper of boarding house, or tenant giving the notice, and shall by street and number, or otherwise, sufficiently designate the house in which he resides or the room in which the sick person may be; and if he shall refuse or neglect immediately to give such notice he shall forfeit for each such offense a sum not exceeding one hundred dollars: *Provided*, That this penalty shall not be enforced if a physician in attendance has given to the health officer or other officer hereinbefore mentioned an immediate notice of said sick person, and true name of the disease, in accordance with the requirements of this section.

Householders, hotel and boarding house keepers to give notice of disease.

To whom given.

What to contain.

Penalty for neglect.

Proviso.

(1735.) SEC. 44. Whenever any physician shall know that any person whom he is called to visit, or who is brought to him for examination, is infected with small-pox, cholera, diphtheria, scarlet fever, or any other disease dangerous to the public health, he shall immediately give notice thereof to the health officer, the president, or the clerk of the board of health of the township, city, or village in which the sick person may be; and to the householder, hotel keeper, keeper of a boarding house, or tenant within whose house or rooms the sick person may be. The notice to the officer of the board of health shall state the name of the disease, the name, age, and sex of the person sick; also the name of the physician giving the notice; and shall by street and number, or otherwise, sufficiently designate the house or room in which said sick person may be. And every physician and person acting as a physician, who shall refuse or neglect immediately to give such notice, shall forfeit for each such offense a sum not less than fifty nor more than one hundred dollars: *Provided*, That this penalty shall not be enforced against a physician if another physician in attendance has given to the health officer, or other officer, hereinbefore mentioned, an immediate notice of said sick person, and the true name of the disease, in accordance with the requirements of this section.

Duties of physicians in relation to.

Notice to be given by

What notice to contain.

Penalty for neglect.

Proviso.

SEC. 50. For each complete notice in writing to an officer of the board of health, in full compliance with the preceding section, requiring from physicians, or other person, notices of diseases dangerous to the public health, the physician who gave the notice shall be entitled, on duly certifying that each notice was correct, and when the bill has been duly audited by the board of health, to receive from the township, city, or village, in which the notice was given, the sum of ten cents.

Compensation.

Approved March 17, 1883.

[No. 12.]

AN ACT to amend section ten of chapter two (being compiler's section number forty-seven), of an act entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement, and maintenance of highways and private roads, and the building, repairing, and preservation of bridges within this State," being act number two hundred and forty-three, public acts of eighteen hundred and eighty-one, approved June eight, eighteen hundred and eighty-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section ten of chapter two (being compiler's section number forty-seven) of an act entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement, and maintenance of highways and private roads, and the building, repairing, and preservation of bridges within this State," being act number two hundred and forty-three, public acts of eighteen hundred and eighty-one, approved June eight, eighteen hundred and eighty-one, be amended so as to read:

Who liable to
poll tax.

(47.) SEC. 10. Every male inhabitant of this State, above the age of twenty-one and under fifty years, except pensioners of the United States, persons exempted by the military laws of the State, those who are mentally incompetent, and paupers, shall be liable to assessment for highway labor for what is commonly called capitation or poll-tax, and shall be assessed therefor one day in each year in the road district in which he resides and the overseer of highways shall have power and it shall be his duty to assess all persons living in his district liable to poll-tax and whose names are not upon his list when received from the township clerk, and such tax when so assessed by the overseer, shall be collected in the same manner as the other highway tax on his list.

Powers and
duties of overseer
of highways in
reference to.

Ordered to take immediate effect.

Approved March 17, 1883.

[No. 13.]

AN ACT to authorize the general laws of this State, collected and arranged by Andrew Howell, and entitled "The general laws of the State of Michigan in force," to be received and used in evidence.

Compilation to
be received as
evidence.

SECTION 1. *The People of the State of Michigan enact*, That the general laws of the State of Michigan, collected and arranged in two volumes, entitled "The general statutes of the State of Michigan in force," compiled and annotated by Andrew Howell, shall be received and admitted in all courts and proceedings, and by all officers in this State, as evidence of the existing laws thereof, with the like effect as if published under and by the authority of the State.

Approved March 20, 1883.

[No. 14.]

AN ACT to amend section twenty-one (21) of chapter one hundred and fifty-four (154) of the compiled laws of eighteen hundred and seventy-one, relative to wills of real and personal estate, being compiler's section forty-three hundred and forty-two (4342).

SECTION 1. *The People of the State of Michigan enact, That* section twenty-one (21) of chapter one hundred and fifty-four (154) of the compiled laws of eighteen hundred and seventy-one, relative to wills of real and personal estate, being compiler's section forty-three hundred and forty-two (4342), be and is hereby amended so as to read as follows:

(4342.) SEC. 21. All wills which shall have been duly proved and allowed in any other of the United States, or in any foreign country or State, according to the laws of such State or country, may be allowed, filed and recorded in the probate court of any county in which the testator shall have real or personal estate on which such will may operate, in the manner mentioned in the following sections.

Ordered to take immediate effect.

Approved March 22, 1883.

[No. 15.]

AN ACT to detach the county of Benzie from the nineteenth judicial circuit, and attach the same to the twenty-eighth judicial circuit.

SECTION 1. *The People of the State of Michigan enact, That* the county of Benzie be and the same is hereby detached from the nineteenth judicial circuit, and attached to the twenty-eighth judicial circuit.

Ordered to take immediate effect.

Approved March 22, 1883.

[No. 16.]

AN ACT allowing persons owning land on opposite sides of public highways to construct and maintain culverts or cattle-passes under such highways.

SECTION 1. *The People of the State of Michigan enact, That* it shall be lawful for all persons owning land on opposite sides of any public highway to construct culverts or cattle-passes under such highways: *Provided*, Formal application is made to and permission obtained from the commissioner of highways of the township in which said land is situated, for such construction: *And provided further*, That such construction and maintenance shall be wholly at the expense of such applicant, his heirs and assigns.

To be constructed under direction of highway commissioner.

Duties of highway commissioner when not kept in repair.

Record of to be kept.

SEC. 2. Such culverts or cattle-passes, when constructed, shall be of such material and according to such plan as the commissioner of highways shall direct.

SEC. 3. In case any such applicant, heirs or assigns shall fail to keep his culvert or cattle pass already constructed, or hereafter to be constructed, in good repair, it shall be the duty of such highway commissioner to remove such culvert or cattle-pass from such highway at the expense of such applicant, or owner, heirs or assigns, such expense to be collected by suit in the name of such commissioner of highways in an action of trespass on the case before any justice of the peace of such township.

SEC. 4. A record of such culverts or cattle passes, and of all proceedings relating thereto, shall be kept in the manner substantially as is provided for the record of private roads.

Ordered to take immediate effect.

Approved March 22, 1883.

[No. 17.]

AN ACT to amend section one thousand eight hundred and twenty-eight of the compiled laws of eighteen hundred and seventy-one, being section thirteen of an act entitled "An act to revise and consolidate the several acts relating to the support and maintenance of poor persons," approved April fifth, eighteen hundred and sixty-nine.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one thousand eight hundred and twenty-eight of the compiled laws of eighteen hundred and seventy-one, being section thirteen of an act entitled "An act to revise and consolidate the several acts relating to the support and maintenance of poor persons," approved April fifth, eighteen hundred and sixty-nine, be and the same is hereby amended to read as follows:

Penalty for bringing into counties, etc., paupers from other counties, etc.

SEC. 13. Any person who shall send, carry, transport, remove, or bring, or who shall cause or procure to be sent, carried, transported, removed, or brought, any poor or indigent person, from any township, village, city, or county, into any other township, village, city, or county, or from any other State or country, into any county in this State, without legal authority, and there leave such poor person, or who shall entice such poor person so to remove, with the intent to make such county to which the removal shall be made chargeable with the support of such pauper, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail not exceeding three months, or fined not exceeding one hundred dollars, or both such fine and imprisonment, in the discretion of the court.

Approved March 23, 1883.

[No. 18.]

AN ACT to add a new section to stand as section three of act number fifty-six, of the laws of eighteen hundred and eighty-one, entitled "An act to amend act one hundred and sixty-seven of the session laws of eighteen hundred and seventy-one," entitled "An act to provide for the better protection of human life on railroad trains," being sections twenty-three hundred and ninety-seven and twenty-three hundred and ninety-eight of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* Section added. there be added to act number fifty-six of the laws of one thousand eight hundred and eighty-one, entitled "An act to amend act one hundred and sixty-seven of the session laws of eighteen hundred and seventy-one," entitled "An act to provide for the better protection of human life on railroad trains," being sections two thousand three hundred and ninety-seven and two thousand three hundred and ninety-eight, of the compiled laws of eighteen hundred and seventy-one, a new section to stand as section three, to read as follows:

SEC. 3. Any person or employé of any railroad company who shall remove or carry away from their proper place, except in case of an accident, the tools required to be kept in the passenger, baggage, mail, or express cars, by the provisions of this act, shall be deemed guilty of an offense, and upon conviction thereof may be punished by a fine not exceeding fifty dollars or imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment at the discretion of the court. Penalty for removing and carrying away tools, etc.

Approved April 10, 1883.

[No. 19.]

AN ACT to amend section five of act number two hundred and seven, of the session laws of eighteen hundred and eighty-one, approved June two, eighteen hundred and eighty-one, entitled "An act to amend section five of the compiled laws of eighteen hundred and seventy-one, being compiler's section eighty-one hundred and forty-nine, relative to the Detroit house of correction."

SECTION 1. *The People of the State of Michigan enact, That* Section amended. section five of act number two hundred and seven of the session laws of eighteen hundred and eighty-one, entitled "An act to amend section five [5], of the compiled laws of eighteen hundred and seventy-one, being compiler's section eight thousand one hundred and forty-nine, relative to the Detroit house of correction," be amended so as to read as follows:

SEC. 5. The books of said house of correction shall be so kept as to clearly exhibit the state of the prisoners, the number received and discharged, and the receipts from and the expenditures for and Regulations for keeping the books of.

Quarterly
statement.

When accounts
to be closed and
balanced.

Annual report.

To whom copies
of to be sent.

on account of each department of business, or for repair or improvement of the premises. A quarterly statement shall be made out which shall specify minutely all receipts and expenditures; proper vouchers for each expenditure shall accompany each statement, and the same be approved by the inspectors, and the common council of the city of Detroit, and return to the controller of said city for safe keeping. The accounts of said house of correction shall be annually closed and balanced on the thirty-first day of December of each year, and the annual report submitted as soon thereafter as practicable, the first report to be made in (1882) eighteen hundred and eighty-two, giving a full account of the operations of the preceding year and the same submitted to the board of inspectors, and with their report to the common council, a copy of which shall be transmitted to each department of the State government, and to each county in the State having contracts with said city for the confinement and maintenance of convicted persons. And such report shall be published in some newspaper in the city or in such other form as shall be directed by said board of inspectors.

Approved April 10, 1883.

[No. 20.]

AN ACT to amend section three of act number forty-nine, public acts of eighteen hundred and eighty one, approved March twenty-six, eighteen hundred and eighty-one, the same being section three of an act entitled "An act to amend sections three and four of act number one hundred and twenty-seven of the session laws of eighteen hundred and seventy-nine, entitled 'an act to provide for inspection of illuminating oils manufactured from petroleum or coal oils, and to repeal act number one hundred and eighty-one of the session laws of eighteen hundred and seventy-five, approved May first, eighteen hundred and seventy-five, and act number one hundred and ninety-six of the session laws of eighteen hundred and seventy-seven, approved May twenty-two, eighteen hundred and seventy-seven, approved May thirty-one, eighteen hundred and seventy-nine.'"

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of act number forty-nine, public acts of eighteen hundred and eighty-one, approved March twenty-six, eighteen hundred and eighty-one, the same being section three of an act entitled "An act to amend sections three and four of act number one hundred and twenty-seven of the session laws of eighteen hundred and seventy-nine, entitled 'an act to provide for inspection of illuminating oils manufactured from petroleum or coal oils, and to repeal act number one hundred and eighty-one, of the session laws of eighteen hundred and seventy-five, approved May first, eighteen hundred and seventy-five, and act [number] one hundred and ninety-six of the session laws of eighteen hundred and seventy-seven,

approved May twenty-two, eighteen hundred and seventy-seven, approved May thirty-one, eighteen hundred and seventy-nine," be and the same is hereby amended so as to read as follows :

SEC. 3. Every person appointed a State inspector shall, before he enters upon the discharge of the duties of his office, take an oath or affirmation prescribed by the constitution and laws of this State, and shall file the same in the office of the secretary of State. The State inspector shall execute a bond to the State of Michigan in such sum and with such surety as shall be approved by the secretary of State, conditioned for the faithful performance of the duties imposed upon him by this act; which bond shall be for the use of all persons aggrieved by the acts or neglect of said inspector; and the same shall be filed with the secretary of State. The deputy inspector shall, before he enters upon the duties of his office, take such oath and file such bond, with like conditions as is required of the State inspector; said bond to be in such sum as shall be required by the State inspector, with two sureties to be approved by the judge of probate, and file such oath and bond with the clerk of the county in which such deputy inspector resides. Such deputy shall also forward the county clerk's certificate of such filing to said State inspector. Said inspectors shall collect thirteen cents for each barrel or cask or package containing not exceeding fifty-five gallons, and at the same proportionate rate for any excess over that quantity so inspected, and he shall pay over to the State inspector at the commencement of each month all moneys received by him for inspection; and in any case of inspection or branding, said fee shall be a lien on the oil so inspected. It shall also be the duty of every inspector or deputy inspector to keep a true and accurate record of all oils so inspected and branded by him, which record shall state the date of inspection, the number of gallons rejected, the number of gallons approved, the number of gallons inspected, the number and kind of barrels, casks, or packages, the name of the person for whom inspected, and the money received for such inspection, and said record shall be open to the inspection of all persons interested. It shall also be the duty of every deputy inspector, at the commencement of each month, to forward to the State inspector and board of State auditors true duplicate copies of such record for the preceding month. In the month of January, in each year, the State inspector shall make and deliver to the governor of the State and board of public health, annual duplicate reports of the inspections by himself and deputies during the preceding calendar year. All illuminating oils manufactured or refined in this State, shall be inspected before being removed from the manufactory or refinery, and if any person or persons, whether manufacturer, vender or dealer, shall sell, or attempt to sell to any person in this State, any illuminating oil, whether manufactured in this State or not, before having the same inspected as provided in this act, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding three hundred dollars; and if any manufacturer, vender, or dealer in either or any of said illuminating oils, shall falsely brand the package, cask, or barrel contain-

Oath of office of inspectors.

Bond, approval and conditions of.

Oath and bond of deputy inspector, approval, filing of, etc.

Certificate of filing.

Fees for inspection.

Fee a lien.

Record of inspection, what to contain.

Duplicate copies to be sent to State inspector and board of auditors.

Annual report to governor and board of public health.

Oils refined, etc., in this State inspected before removal from factory, etc. Penalty for selling oil before inspection.

Penalty for falsely branding, etc.

ing the same, as provided in sections one and two of this act, or shall use packages, casks, or barrels having the inspector's brand thereon, without having the oil inspected, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding three hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

This act is ordered to take immediate effect.

Approved April 10, 1883.

[No. 21.]

AN ACT to prohibit law partners of prosecuting attorneys from being engaged or interested in the defense of any person charged with any offense that such prosecuting attorney is required to prosecute.

Partners of
prosecuting
attorneys not to
be interested in
defense in cer-
tain cases, etc.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for the law partner or partners of any prosecuting attorney to be directly or indirectly engaged or interested in the defense of any person or persons charged with any offense, when it is the duty of such prosecuting attorney in his official capacity to prosecute such person or persons.

Penalty for viola-
tion of provis-
ions.

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding three months, or both in the discretion of the court trying the offender.

Approved April 10, 1883:

[No. 22.]

AN ACT to authorize the formation of clubs for social purposes.

Formation of
social clubs
authorized.

SECTION 1. *The People of the State of Michigan enact*, That any fifteen or more persons of this State, who, by articles of agreement in writing, have associated or shall associate themselves according to the provisions of this act, for the purpose of establishing a social club, shall, with their successors and assigns, constitute a body politic and corporate under the name assumed by them in their articles of association: *Provided*, No two clubs organized under this act shall assume the same name.

Proviso.

Articles of asso-
ciation to state.

SEC. 2. The persons so associated in the first instance shall sign articles of association which shall state:

First, The names of the persons associated in the first instance, and their places of residence;

Second, The location of such club and its corporate name;

Third. The purpose of the association, which shall be to promote social intercourse among its members, and to provide for them the convenience of a club house; and the period for which it is incorporated, not exceeding thirty years;

Fourth. The number and official designation of the managing officers thereof, not less than three nor more than thirteen.

SEC. 3. A copy of such articles of association, made and executed under the hands and seals of the persons so associating, and acknowledged before some officer of this State having authority to take acknowledgments of deeds, shall be filed and recorded in the office of the secretary of State, and a duplicate of said articles shall be filed with the county clerk of the county in which such corporation shall be formed and located, and shall be recorded at length by such clerk, in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed such articles of association shall be a body corporate, by the name expressed in such articles; and, by that name they and their successors shall have succession, and shall be persons capable in law to take, receive, hold, and enjoy, to them and their successors and assigns, estates real and personal, or suing and being sued, and they and their successors may have a common seal which may be changed and altered at their pleasure.

Filing and recording of articles of association.

When shall be body corporate, etc.

SEC. 4. A copy of such articles of association, under the seal of the secretary of State and certified by him, or under the seal of the county clerk in whose office said record is kept, and certified by him, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such association or club.

Copy of articles of association, evidence of existence, etc.

SEC. 5. Any corporation, organized and established under the provisions of this act, shall, by its corporate name, have the power to acquire and hold such lands, tenements, and hereditaments and such other property of every kind as shall be necessary for the purposes of such corporation, and such other lands, tenements, and hereditaments as shall be taken by gift or in payment of or as security for debts due to such corporation and to manage and dispose of the same at pleasure; and may create a capital stock of not less than five thousand dollars, nor more than one hundred and fifty thousand dollars; and shall by its corporate name have power to borrow money and issue its bonds and mortgages therefor, and for any debts of the corporation.

Acquisition and disposition of property.

May create a capital stock.

May borrow money, issue bonds, etc.

SEC. 6. Any such corporation, at its election, may prescribe in its original or amended articles of association, the amount of its capital stock, the number of shares into which it is divided, and the par value of each share; and may farther prescribe in its said articles that such shares shall be of the nature of the certificates of membership, transferable only on the books of such corporation in such manner and form as shall be provided in its by-laws and issued subject to the condition that sales and transfers of the same and whatever interest in the same may descend to any representative of a deceased shareholder shall be restricted, governed and determined by the constitution and rules which shall be adopted from time to time

Provisions relative to capital stock, its division into shares, transfer, increase, etc.

by such club. And every such corporation may increase its capital stock and the number of shares therein, at any meeting of the stockholders called for that purpose, or at any annual meeting by a vote of two-thirds of its stockholders to an amount not exceeding the limit aforesaid.

Clubs to have power to make rules, by-laws, etc., generally.

SEC. 7. Any club organized under this act shall have full power to make from time to time all such needful rules, regulations and by-laws as may be expedient regarding the admission and expulsion of members, their initiation, or other fees or assessments; and to do all such other matters as may be deemed proper or requisite for the government of such club, and to carry into effect the objects thereof: *Provided*, the same be not inconsistent with the laws and constitution of this State; and to designate, elect, or appoint from among its members such directors and officers under such name and style and with such powers of supervision, control and management of its affairs as shall be in accordance with such constitution, by-laws, rules and regulations.

Proviso.

This act is ordered to take immediate effect.

Approved April 10, 1883.

[No. 23.]

AN ACT to amend section six of chapter one hundred and sixty-nine, of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand seven hundred and twenty-four, relative to marriage.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section six of chapter one hundred and sixty-nine, of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand seven hundred and twenty-four, relative to marriage, be and the same is hereby amended so as to read as follows:

Insane persons, etc.
Marriages declared valid.

(4724.) SEC. 6. No insane person or idiot shall be capable of contracting marriage. All marriages heretofore contracted between white persons and those wholly or in part of African descent are hereby declared valid and effectual in law for all purposes, and the issue of such marriages shall be deemed and taken legitimate as to such issue and as to both of the parents.

Ordered to take immediate effect.

Approved April 11, 1883.

[No. 24.]

AN ACT to amend section one and to repeal section thirty-two of chapter one hundred and seventy, of the compiled laws of eighteen hundred and seventy-one, being compiler's sections forty-seven hundred and thirty-three, amended, and forty-seven hundred and sixty-four, repealed, relative to divorce.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter one hundred and seventy, of the compiled

laws of eighteen hundred and seventy-one, being compiler's section four thousand seven hundred and thirty-three, relative to divorce, be and the same is hereby amended so as to read as follows:

(4733.) SEC. 1. All marriages which are prohibited by law on account of consanguinity or affinity between the parties, or on account of either of them having a former wife or husband then living, and all marriages solemnized when either of the parties was insane or an idiot, shall, if solemnized within this State, be absolutely void, without any decree of divorce or other legal process: *Provided*, That the issue of such marriage, except that contracted while either of the parties thereto had a former husband or wife living, shall be deemed legitimate. Marriages void without divorce, etc.
Proviso.

SEC. 2. Section thirty-two of chapter one hundred and seventy of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand seven hundred and sixty-four, is hereby repealed. Section repealed.

Ordered to take immediate effect.

Approved April 11, 1883.

[No. 25.]

AN ACT to provide for the establishment of wills during the lifetime of testators.

SECTION 1. *The People of the State of Michigan enact*, That to any will heretofore or hereafter executed the testator may make and annex his petition to be sworn to before, and presented to the judge of probate for the county where the testator resides, asking that such will be admitted and established as his last will and testament. Petition for establishment of will.

SEC. 2. Every such petition shall contain averments that such will was duly executed by the petitioner without fear, fraud, importunity, or undue influence, and with a full knowledge of its contents, and that the testator is of sound mind and memory and full testamentary capacity, and shall state the names and address of every person who at the time of making and filing the same would be interested in the estate of the maker of such will as heir if such maker should at the making of such petition become deceased, and may also contain the names and addresses of any other persons whom such testator may desire to make parties to such proceedings. What the petition to contain.

SEC. 3. Such judge of probate shall thereupon, upon request of such testator, appoint a time for the hearing of such petition, and issue citations to the parties named in such petition, and direct published notice of such hearing, and have such hearing, after proof of service of citations and of publication of notice, in the manner, as near as practicable, as is required for the probate of wills. Citations and publication of notice of hearing.

SEC. 4. If any person named in said petition shall be a minor, or otherwise under disability, a guardian *ad litem* shall be appointed by such judge to represent such person. On such hearing such judge of probate shall examine into the matters alleged in such petition and into the testamentary capacity of such testator, and Appointment of guardian for minors and others.
Proceedings on hearing.

examine witnesses in relation thereto, and if it shall appear that the allegations of such petition are true, and that said testator was of sound mind and memory and full testamentary capacity, such judge shall make decree thereon, and shall cause a copy of such decree to be attached to said will, certified under the seal of said court, decreeing that the testator, at the making of such will and such petition was possessed of sound mind and memory, and full testamentary capacity, and that said will was executed without fear, fraud, importunity, or undue influence, which decree shall have the same effect as if made by said court after the death of the testator on the probate of such will, and such will having been so established shall not be set aside or impeached on the grounds of insanity or want of testamentary capacity on the part of the testator, or that the same was executed through fear, fraud, importunity, or undue influence.

Appeal.

SEC. 5. Appeals shall lie in the same manner as from probate of wills.

Revocation,
alteration, etc.

SEC. 6. Nothing in this act contained shall be construed to prevent the revocation of such will, or alteration or other change thereof, as in ordinary wills.

Approved April 11, 1883.

[No. 26.]

AN ACT to amend section one, being compiler's section five thousand nine hundred and seventy-six, of chapter one hundred and eighty-nine, of the compiled laws of eighteen hundred and seventy-one, relative to making the actions of trespass and trespass on the case transitory in certain cases.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled, "An act making the actions of trespass and trespass on the case transitory in certain cases," approved March twelve, eighteen hundred and sixty-one, be and is hereby amended to read as follows:

Actions of trespass and trespass on the case may be maintained in the county where defendant found in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That all cases of trespass on lands, and all cases of trespass upon the case for direct or consequential damages on account of injury to personal property, when the defendant is not an actual resident of the county in which such lands are situate, or where such personal property was situated at the time of such injury, or when such county is unorganized at the time of committing such trespass or injury, may be prosecuted and maintained at law in any county where such defendant may be found, as fully and effectually in all respects as if commenced and prosecuted in the county where such trespass or injury to personal property was committed: *Provided*, That whenever any such cause shall be pending in any circuit court other than in the county where such trespass or such injury was committed, said court may on the application of either the plaintiff or defendant therein, accompanied by an affidavit stating

Proviso.

specifically where such lands are situate or where such personal property was situated at the time of committing such injury, change the venue of and certify and remove said cause to the circuit court of the county where such lands are situate, or where such personal property was situated at the time of committing of such injury, and direct the issue to be there tried, and shall make all necessary rules and orders for the removal of said cause and all matters relating thereto, and the circuit court to which said cause shall be so removed shall proceed to hear and determine the same, and execution may thereupon be had in the same manner as if the same had been originally prosecuted in said court.

Approved April 18, 1883.

[No. 27.]

AN ACT to amend section ten of act number two hundred and forty-three of the session laws of eighteen hundred and seventy-nine, the same being entitled "An act to amend sections six, eight, and ten of chapter fifteen of the revised statutes of eighteen hundred and forty-six, as amended by act sixty-three of the laws of eighteen hundred and seventy-one, being sections six hundred and twenty, six hundred and twenty-two, and six hundred and twenty-four of the compiled laws of eighteen hundred and seventy-one, concerning removals from office."

SECTION 1. *The People of the State of Michigan enact, That* section ten of act number two hundred and forty-three of the session laws of eighteen hundred and seventy-nine, the same being entitled "An act to amend sections six, eight, and ten of chapter fifteen of the revised statutes of eighteen hundred and forty-six, as amended by act sixty-three of the laws of eighteen hundred and seventy-one, being sections six hundred and twenty, six hundred and twenty-two, and six hundred and twenty-four of the compiled laws of eighteen hundred and seventy-one, concerning removals from office," be and the same is hereby amended so as to read as follows:

(624.) SEC. 10. At the time and place therein specified in the notice the commissioner or judge of probate before whom such inquiry shall be conducted, shall proceed to take the testimony of the witnesses produced before him by the attorney general or prosecuting attorney, and by the officer accused, which witnesses shall be sworn by such commissioner or judge of probate, and every answer given by them to any question which either party shall require to be reduced to writing, shall be written by or under the direction of such commissioner or judge of probate. Their testimony shall then be read to and subscribed by them, and shall be certified by the commissioner or judge of probate taking the same, and when all the evidence shall have been taken, the commissioner or judge of probate shall briefly review the same, and attach a summary of such testimony thereto, and give his opinion thereon, and then deliver the testimony, with his summary, review, and opinion attached

Section amended.

Witnesses to be sworn, testimony reduced to writing.

Testimony to be read to and subscribed by witnesses, etc.

Review, summary, and opinion of officer, etc.

examine witnesses in relation thereto, and if it shall appear that the allegations of such petition are true, and that said testator was of sound mind and memory and full testamentary capacity, such judge shall make decree thereon, and shall cause a copy of such decree to be attached to said will, certified under the seal of said court, decreeing that the testator, at the making of such will and such petition was possessed of sound mind and memory, and full testamentary capacity, and that said will was executed without fear, fraud, importunity, or undue influence, which decree shall have the same effect as if made by said court after the death of the testator on the probate of such will, and such will having been so established shall not be set aside or impeached on the grounds of insanity or want of testamentary capacity on the part of the testator, or that the same was executed through fear, fraud, importunity, or undue influence.

Appeal.

SEC. 5. Appeals shall lie in the same manner as from probate of wills.

Revocation,^{*}
alteration, etc.

SEC. 6. Nothing in this act contained shall be construed to prevent the revocation of such will, or alteration or other change thereof, as in ordinary wills.

Approved April 11, 1883.

[No. 26.]

AN ACT to amend section one, being compiler's section five thousand nine hundred and seventy-six, of chapter one hundred and eighty-nine, of the compiled laws of eighteen hundred and seventy-one, relative to making the actions of trespass and trespass on the case transitory in certain cases.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act making the actions of trespass and trespass on the case transitory in certain cases," approved March twelve, eighteen hundred and sixty-one, be and is hereby amended to read as follows:

Actions of trespass and trespass on the case may be maintained in the county where defendant found in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That all cases of trespass on lands, and all cases of trespass upon the case for direct or consequential damages on account of injury to personal property, when the defendant is not an actual resident of the county in which such lands are situate, or where such personal property was situated at the time of such injury, or when such county is unorganized at the time of committing such trespass or injury, may be prosecuted and maintained at law in any county where such defendant may be found, as fully and effectually in all respects as if commenced and prosecuted in the county where such trespass or injury to personal property was committed: *Provided*, That whenever any such cause shall be pending in any circuit court other than in the county where such trespass or such injury was committed, said court may on the application of either the plaintiff or defendant therein, accompanied by an affidavit stating

Proviso.

specifically where such lands are situate or where such personal property was situated at the time of committing such injury, change the venue of and certify and remove said cause to the circuit court of the county where such lands are situate, or where such personal property was situated at the time of committing of such injury, and direct the issue to be there tried, and shall make all necessary rules and orders for the removal of said cause and all matters relating thereto, and the circuit court to which said cause shall be so removed shall proceed to hear and determine the same, and execution may thereupon be had in the same manner as if the same had been originally prosecuted in said court.

Approved April 18, 1883.

[No. 27.]

AN ACT to amend section ten of act number two hundred and forty-three of the session laws of eighteen hundred and seventy-nine, the same being entitled "An act to amend sections six, eight, and ten of chapter fifteen of the revised statutes of eighteen hundred and forty-six, as amended by act sixty-three of the laws of eighteen hundred and seventy-one, being sections six hundred and twenty, six hundred and twenty-two, and six hundred and twenty-four of the compiled laws of eighteen hundred and seventy-one, concerning removals from office."

SECTION 1. *The People of the State of Michigan enact, That* section ten of act number two hundred and forty-three of the session laws of eighteen hundred and seventy-nine, the same being entitled "An act to amend sections six, eight, and ten of chapter fifteen of the revised statutes of eighteen hundred and forty-six, as amended by act sixty-three of the laws of eighteen hundred and seventy-one, being sections six hundred and twenty, six hundred and twenty-two, and six hundred and twenty-four of the compiled laws of eighteen hundred and seventy-one, concerning removals from office," be and the same is hereby amended so as to read as follows:

(624.) SEC. 10. At the time and place therein specified in the notice the commissioner or judge of probate before whom such inquiry shall be conducted, shall proceed to take the testimony of the witnesses produced before him by the attorney general or prosecuting attorney, and by the officer accused, which witnesses shall be sworn by such commissioner or judge of probate, and every answer given by them to any question which either party shall require to be reduced to writing, shall be written by or under the direction of such commissioner or judge of probate. Their testimony shall then be read to and subscribed by them, and shall be certified by the commissioner or judge of probate taking the same, and when all the evidence shall have been taken, the commissioner or judge of probate shall briefly review the same, and attach a summary of such testimony thereto, and give his opinion thereon, and then deliver the testimony, with his summary, review, and opinion attached

Section amended.

Witnesses to be sworn, testimony reduced to writing.

Testimony to be read to and subscribed by witnesses, etc.

Review, summary, and opinion of officer, etc.

Fees.

thereto, to the prosecuting attorney or attorney general, who shall transmit the same to the governor, and the fees of the commissioner for the performance of such services shall be a charge against the county.

Approved April 18, 1883.

[No. 28.]

AN ACT to amend section one of chapter ten of act one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, approved May twenty-one, eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act."

Section amended.

SECTION 1. *The People of the State of Michigan enact.* That section one of chapter ten of act number one hundred and sixty-four, of the public acts of eighteen hundred and eighty-one, approved May twenty-one, eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," be amended so as to read as follows:

Graded school districts organized by vote, etc.

SEC. 1. Any school district containing more than one hundred children between the ages of five and twenty years may, by a two-thirds vote of the qualified electors present at any annual or special meeting, organize as a graded school district: *Provided*, That the intention to take such vote shall be expressed in the notice of such annual or special meeting. When such change in the organization of the district shall have been voted, the voters at such annual or special meeting shall proceed immediately to elect by ballot from the qualified voters of the district one trustee for the term of one year, two for the term of two years, and two for a term of three years, and annually thereafter a successor or successors to the trustee or trustees whose term of office shall expire: *Provided also*, In all districts organized prior to the year eighteen hundred and eighty-three there shall be one trustee elected at the annual meeting for the year eighteen hundred and eighty-three, and thereafter there shall be elected a trustee or trustees in the manner aforesaid, whose term of office shall be three years, and until his or their successor or successors shall have been elected and filed his or their acceptance: *Provided also*, That in the election of trustees, and all other school officers, the person receiving the highest number of votes shall be declared elected.

Notice of intention to take vote.**Election of trustees.****Provided.****Further provision.**

This act is ordered to take immediate effect.

Approved April 18, 1883.

[No. 29.]

AN ACT to repeal an act entitled "An act to provide for the incorporation of savings association" [associations], approved April third, eighteen hundred and sixty-nine, and to continue savings associations existing under said act.

SECTION 1. *The People of the State of Michigan enact*, That the act entitled "An act to provide for the incorporation of savings associations," approved April third, eighteen hundred and sixty-nine, together with all acts amendatory thereof be and the same are hereby repealed, saving all rights acquired and liabilities incurred by any corporation organized and doing business under said act. Act repealed.

SEC. 2. All savings associations organized as corporations under the act hereby repealed shall continue to exist as corporations, and shall have all the rights, powers, and privileges, and be subject to all the duties, burdens, and disabilities contained in the act entitled "An act to amend the general banking law entitled 'An act to authorize the business of banking,' approved February sixteenth, eighteen hundred and fifty-seven, and the acts amendatory thereto, so as to provide for the organization of savings banks," approved March thirty-first, eighteen hundred and seventy-one, being act number seventy-four, of the laws of eighteen hundred and seventy-one, as the same has been or may be hereafter amended: *Provided*, That Savings associations organized under act repealed continue to exist, etc. no bank organized and doing business under said act of April three, eighteen hundred and sixty-nine, shall be required to increase, diminish, or in any manner change the amount of its capital or capital stock, but every such bank shall be authorized after the passage of this act to continue its business as heretofore upon the same capital or capital stock with which it has heretofore legally carried on business, notwithstanding anything herein or in the said acts of February sixteenth, eighteen hundred and fifty-seven, and of March thirty-first, eighteen hundred and seventy-one contained; except that all savings banks organized and doing business under the said act of April three, eighteen hundred and sixty nine, or any other law of this State, shall be required to report to the State treasurer as provided in section sixty-seven of chapter seventy-two of the compiled laws of eighteen hundred and seventy-one. Provided.

Approved April 18, 1883.

[No. 30.]

AN ACT making appropriations for the current expenses and for buildings, etc., for the Michigan school for the blind for the years eighteen hundred and eighty-three and eighteen hundred and eighty-four.

SECTION 1. *The People of the State of Michigan enact*, That there be and hereby is appropriated from the general fund the sum of twenty-three thousand dollars to meet the current expenses of the Michigan school for the blind for the year eighteen hundred and Appropriation for 1883 and 1884.

eighty-three, and the further sum of twenty-six thousand dollars to meet the current expenses of the Michigan school for the blind for the year eighteen hundred and eighty-four.

For erecting,
furnishing,
removing build-
ings, grading
grounds, etc.

SEC. 2. The sum of forty-three thousand dollars is hereby appropriated for the following purposes in the year eighteen hundred and eighty-three: For erecting south wing to main building, thirty-five thousand dollars; for erecting a residence for the superintendent, three thousand five hundred dollars; for erecting one barn, one thousand five hundred dollars; for grading and ornamenting grounds, one thousand dollars; for furnishing buildings, two thousand dollars. And the further sum of thirty-seven thousand dollars is hereby appropriated for the following purposes in the year eighteen hundred and eighty-four: For removing old brick building north of main building and erecting north wing, thirty-five thousand dollars; for furnishing buildings, one thousand three hundred dollars; for grading and ornamenting grounds, seven hundred dollars: *Provided*, That if the amount appropriated for any object in this section shall not all be used for the purpose for which it was appropriated, any balance remaining after the completion of the work for which it was appropriated may be transferred to and be used for any other one of the several purposes specified in this section, in the discretion of the board of commissioners: *And provided further*, That the buildings and improvements specified shall be of such size and character as can be completed in every particular for the aggregate amount appropriated by this section.

Proviso.

Further proviso.

To reimburse
treasurer for
moneys
advanced.

SEC. 3. The sum of two thousand one hundred and fifty dollars is hereby appropriated to reimburse the treasurer of the board of commissioners for money advanced by him to complete the dormitory and workshop building and the grading and draining of grounds, including the amount paid to the city of Lansing for the Pine and Maple street grade apportioned to the school property.

Board of com-
missioners to
advertise for
bids, etc.

SEC. 4. In the expenditure of the several sums appropriated by section two of this act, excepting the amounts appropriated for furnishing buildings and for grading and ornamenting grounds, the board of commissioners are required to advertise in such newspapers and for such time as it deems proper, for sealed proposals for the erection of said building or buildings, reserving the right to reject any and all bids offered, and shall contract with the lowest responsible bidder for the erection and completion of said building or buildings, or for the mason work, carpentry, or other portion thereof, but the aggregate of such contracts, with approved estimates for the completion and equipment of the said building or buildings shall not exceed the sum hereby appropriated. In the letting of contracts for work on said building or buildings the board shall reserve ten per cent of the contract price which shall not be paid until the final completion and acceptance of said building or buildings by the board of commissioners.

Sums to be in-
corporated with
State tax, etc.

SEC. 5. Of the above mentioned sums the auditor general shall add to and incorporate with the State tax for the year eighteen hundred and eighty-three the sum of sixty-eight thousand one

hundred and fifty dollars, and for the year eighteen hundred and eighty-four the sum of sixty-three thousand dollars, which sums when collected shall be passed to the credit of the general fund.

This act is ordered to take immediate effect.

Approved April 18, 1883.

[No. 31.]

AN ACT to provide a punishment for getting on board of railroad trains when in motion.

SECTION 1. *The People of the State of Michigan enact*, That no person shall jump or step on board of any railroad train, locomotive or car when in motion, except employes and passengers at railway stations; and any person who shall offend against any of the provisions of this section, shall be punished by a fine of not exceeding ten dollars, with costs of suit, and in default of the payment of such fine, shall be imprisoned in the county jail for a term of not exceeding thirty days.

Getting on board moving railroad trains prohibited.

Punishment for.

Approved April 18, 1883.

[No. 32.]

AN ACT to amend section fifty-eight of chapter ten of the compiled laws of eighteen hundred and seventy-one, being compiler's section five hundred and thirty-four relative to compensation and duties of prosecuting attorneys and other attorneys acting as prosecutors in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-eight, of chapter ten, of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 58. No prosecuting attorney shall receive any fee or reward from or on behalf of any prosecutor or other individual for services in any prosecution or business to which it shall be his official duty to attend, nor be concerned as attorney or counsel for either party other than for the State or county in any civil action depending upon the same state of facts upon which any criminal prosecution commenced or prosecuted shall depend, or in any action for malicious prosecution brought in consequence of any criminal prosecution commenced or prosecuted during his term of office in the county of which he is prosecuting attorney; nor shall any attorney be permitted to prosecute, or aid in prosecuting any person for an alleged criminal offense where he is engaged or interested in any civil suit or proceeding depending upon the same state of facts, against such person directly or indirectly.

Prosecuting attorney not to receive fees from prosecutors, etc.

When attorneys not permitted to prosecute for criminal offenses.

Approved April 18, 1883.

[No. 33.]

AN ACT making an appropriation for the purchase of books for the State library and for other purposes.

Appropriation made.

SECTION 1. *The People of the State of Michigan enact*, That the sum of three thousand dollars for the year one thousand eight hundred and eighty-three, and the sum of three thousand dollars for the year one thousand eight hundred and eighty-four, be and the same is hereby appropriated out of any money in the treasury of the State to the credit of the general fund not otherwise appropriated, for the purchase of books for the State library.

Assistance in library.

SEC. 2. The State librarian is hereby authorized to employ, with the approval of the governor, such temporary assistance during the session of the legislature as may be necessary for the care and management of the library.

How money appropriated drawn and expended.

SEC. 3. The money so appropriated shall be drawn from the State treasury upon warrant of the auditor general, and shall be expended by the State librarian, with the advice and consent of the governor and chief justice of the supreme court, for the purpose aforesaid.

Ordered to take immediate effect.

Approved April 18, 1883.

[No. 34.]

AN ACT to amend section twenty-two of an act entitled "An act to revise the laws providing for the incorporation of companies for mining, smelting, and manufacturing iron, copper, silver, mineral coal, and other ores or minerals, and to fix the duties and liabilities of such corporations," approved May eleventh, eighteen hundred and seventy-seven.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-two of an act entitled "An act to revise the laws providing for the incorporation of companies for mining, smelting, and manufacturing iron, copper, silver, mineral coal, and other ores or minerals, and to fix the duties and liabilities of such corporations," approved May eleven, eighteen hundred and seventy-seven, be and the same is hereby amended to read as follows:

Where business of corporations may be conducted.

SEC. 22. It shall be lawful for any corporation organized or existing under this act to conduct its mining, smelting, or manufacturing business, in whole or in part, at any place or places within the United States, in the territories thereof or in any foreign country, and any such corporation shall be subject to the laws of this State in regard to corporations, so far as the same shall be applicable to corporations formed under this act. Any such corporation, conducting its mining, smelting, or manufacturing business wholly at any place outside of this State, may, if authorized by a vote of its board of directors, subscribe for, purchase, own, and be interested in stock in any other company formed for mining, smelt-

May own, etc., stock in other companies outside of State.

ing, or manufacturing any such ores or minerals, wholly at any place other than in the State of Michigan.

This act is ordered to take immediate effect.

Approved April 20, 1883.

[No. 35.]

AN ACT to detach certain territory from the county of Bay and to organize the same into a new county to be known as the county of Arenac.

SECTION 1. *The People of the State of Michigan enact*, That townships number nineteen and twenty north, of range three east; towns number eighteen, nineteen, and twenty north, of range four east; towns eighteen, nineteen, and twenty north, of range five east; towns eighteen, nineteen, and twenty north, of range six east; towns eighteen, nineteen, and twenty north, of range seven east; and town twenty north, of range eight east, and all the islands attached to the townships of Whitney and Au Gres, be and are hereby detached from the county of Bay and organized into a new county to be called and known as the county of Arenac.

Territory detached from Bay county and organized as county of Arenac.

SEC. 2. There are three places selected in this act for a county seat in said county, namely: The villages of Sterling, Standish, and Omer. The said several selections shall be submitted to the voters of said county at the next general election, and the electors shall designate by ballot, the same to be deposited in a separate box, one of the above named places, and the place or selection having the greatest number of votes shall be deemed the county seat for said county.

Selection of county seat.

SEC. 3. The temporary county seat of said county, until permanently located as provided in section two, shall be located in the village of Omer.

Temporary county seat.

SEC. 4. At a special township election to be held on the first Monday of June next, the proper county officers for said county shall be elected, whose terms of office shall expire on the first day of January in the year of our Lord eighteen hundred and eighty-five, and when their successors are elected and qualified, said officers so elected, on or before the second day of July next, shall take and subscribe the oath of office prescribed to be taken by county officers by the constitution and laws of this State, and shall have and possess all the powers, and discharge all the duties conferred upon or required of county officers in this State, and shall enter upon the discharge of said duties on the second day of July, in the year of our Lord eighteen hundred and eighty-three.

Election of county officers.

Oath of office.

Powers and duties of.

SEC. 5. The several township officers now elected in said county shall hold their respective offices for the terms they were elected, and the inspectors of elections of said townships shall each appoint a member of their board a member of the board of county canvassers for said county, and they shall meet at the school-house in the village of Omer, in the township of Arenac, on the second Tues-

Township officers in said county.

Board of county canvassers.

Meeting of.

Board to approve bonds of county officers.

County declared a body corporate and politic.

Register to make transcripts of records.

Territory organized to remain attached to Bay county for certain purposes.

Representative district and judicial circuit of.

Returns for State senator and representative, to whom made.

day of June next, to canvass the votes in the townships of said county of Arenac, for county officers, to which board the proper township officers are required to make returns of such votes on or before the day of meeting of said board as provided in this section; and said board is also authorized, and it is hereby made their duty, to approve the proper bonds of said county officers.

SEC. 6. Said county is hereby created and declared a body corporate and politic with all the powers and duties conferred upon or required of organized counties by the constitution and laws of this State.

SEC. 7. The county register of said county shall make transcripts of all records in other counties necessary to be and appear upon the records of the said county of Arenac.

SEC. 8. All the territory herein described and designated as the county of Arenac shall, until organized according to the provisions of this act, remain attached to the county of Bay, for judicial, taxable, and other purposes, and nothing in this act shall in any way interfere with the authority of the officers of the county of Bay for collecting the taxes assessed within the territory comprised in said county of Arenac for the year of our Lord eighteen hundred and eighty-two; *Provided*, Said county of Arenac shall bear its just proportion of State taxes for the year of our Lord eighteen hundred and eighty-three.

SEC. 9. Said county of Arenac to remain in the second representative district of Bay county, and shall also remain in the thirtieth senatorial district, and in the eighteenth judicial circuit. The returns for State senator, and for representative in the State legislature for the second district of Bay county shall be made to the county clerk of Bay county, and shall be forwarded by the board of township inspectors of election on the day prescribed by law for the meeting of county canvassers until the next apportionment is made for members of the State legislature.

This act is ordered to take immediate effect.

Approved April 21, 1883.

[No. 36.]

AN ACT to allow mutual fire insurance companies of other States to do business within this State.

Mutual fire insurance companies from other States authorized to do business in this State.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any mutual fire insurance company, organized under the laws of any other State of the United States, and being possessed of at least two hundred thousand dollars of actual net cash assets, to transact the business of fire insurance in this State, in like manner as stock companies of other States may do, upon receiving from the commissioner of insurance a certificate of authority. Such amount of two hundred thousand dollars shall be deemed to be the actual capital of such company, and shall be treated as capital by the commissioner of insurance, in determin-

ing the solvency of such company. In all other respects such mutual fire insurance companies shall be subject to all the penalties and provisions of law applicable to stock fire insurance companies of other States, transacting business in this State.

Ordered to take immediate effect.

Approved April 21, 1883.

[No. 37.]

AN ACT to incorporate the grand army of the republic, department of Michigan, and subordinate posts of the grand army of the republic.

SECTION 1. *The People of the State of Michigan enact,* That the grand army of the republic, department of Michigan, and subordinate posts of the grand army of the republic of the department of Michigan may be incorporated in pursuance of the provisions of this act. Incorporation authorized.

SEC. 2. The commander, senior vice commander, junior vice commander, assistant adjutant general, of the department of Michigan, grand army of the republic, may make and execute articles of association under their hands and seals, which articles of association shall be acknowledged before some officer authorized by law to take acknowledgments of deeds, and shall set forth : Articles of association, by whom executed and what to set forth.

First, The names of the officers above mentioned and their places of residence ;

Second, The corporate name by which the association shall be known in law ;

Third, The object and purpose of such association, which shall be to promote the general welfare of the order known as the grand army of the republic, and the period for which it is incorporated, which shall not exceed thirty years.

SEC. 3. A copy of said articles of association, together with a copy of the rules and regulations of the grand army of the republic shall be filed with the secretary of State, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in law capable to purchase, take, receive, hold, and enjoy to them, and their successors, estates, real and personal ; of suing and being sued, and to have a common seal which may be altered or changed at pleasure : Copy of articles of association and rules, etc., to be filed.

Provided, That the value of real and personal estate shall not exceed the value of ten thousand dollars, and that they and their successors shall have power to give, grant, sell, lease, demise, and dispose of said real and personal estate or part thereof at their will and pleasure, and the proceeds, rents, and incomes to be disposed of as directed by the department at its annual meeting. Said cor- May acquire and hold property. Proviso.

By-laws,
rules, etc.

poration shall have full power to make and establish rules and by-laws for regulating and governing all the affairs and business of said corporation, not repugnant to the constitution and laws of this State or the United States, and to designate, elect, or appoint from its members, such officers, under such name and style as shall be in accordance with the rules and regulations of the grand army of the republic.

Copies of arti-
cles of associa-
tion as evidence.

SEC. 4. A copy of the record of such articles of association under the seal of the State, duly certified by the secretary of State, shall be received as *prima facie* evidence in all courts of this State of the existence and due organization of such corporation.

May charter
posts, etc.

SEC. 5. Such corporation when duly formed shall have power to institute and charter posts of the grand army of the republic within this State, and from time to time issue such orders for the government of posts as are not repugnant to the rules and regulations of the grand encampment of the grand army of the republic of the United States.

Subordinate
posts of, may
become
incorporated.

SEC. 6. At any time when a subordinate post of the grand army of the republic shall by a two-thirds vote of the members present, at any regular meeting of said post, resolve to become incorporated, the commander, senior vice commander, junior vice commander, and adjutant of such post, may make and execute articles of association under their hands and seals, specifying as provided in section two of this act, and file a copy of the resolutions passed at a regular meeting of the post, with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon such post of the grand army of the republic, the officers thereof, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in law with the same powers, duties, and liabilities as the grand army of the republic, department of Michigan, have under section three of this act: *Provided*, That a certified copy of the record of such articles of association, under the seal of the circuit court of the county where such record is recorded, shall be received as *prima facie* evidence in all the courts in this State of the existence and due organization of such corporation.

Proviso.

Corporations
may erect
halls, etc.

SEC. 7. Any corporation formed in pursuance of this act, may erect and own such suitable edifice, building, or hall, as to such corporation shall seem proper, with convenient means for meeting; and for that purpose may create a capital stock of not more than ten thousand dollars, to be divided into shares of not more than ten dollars each; and any such corporation may take, purchase, hold, and own suitable lots or parcels of ground as may be convenient for the purpose of a cemetery, and make all lawful rules and regulations for the disposition of lots, and the burial of the dead therein as to such corporation may seem proper: *Provided*, This act shall not be construed to affect any municipal regulations in regard to cemeteries.

Create capital
stock.

May acquire
cemeteries, etc.

Proviso.

SEC. 8. All corporations formed under this act shall be subject to

the provisions of chapter one hundred and thirty of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act. General law governing.

Ordered to take immediate effect.

Approved April 21, 1883.

[No. 38.]

AN ACT to provide for adjustment of rights and liabilities on division of territory of cities and townships.

SECTION 1. *The People of the State of Michigan enact*, That when land shall be detached from any city or township in this State and attached to any city or township, the moneys, rights, credits, and personal property belonging to any city or township, the boundary of which may be so changed, shall be divided between said cities, or city and township; the city to which said territory is attached to have such a proportion as the value of the taxable property attached thereto bears to the whole value of the taxable property of the city or township from which said territory was detached, and the city or township from which said territory is detached shall be entitled to the balance of said moneys, rights, credits, and personal property, the value of said taxable property to be ascertained from the assessment roll of said city or township made immediately before said change of boundary. Adjustment of rights, liabilities, etc., and division of property.

SEC. 2. When the boundary of any city or township shall be changed in the manner provided in the preceding section, any land of which such city or township, from which said territory is detached, shall be seized, shall be sold by the proper city or township authorities of the city or township in which said land was located before the division, and the moneys derived from such sale shall be divided between the said city and township in the manner provided in section one of this act; and the city or township in which the said land may be situated after the change of boundary may purchase the said real estate. Lands to be sold and proceeds divided.

SEC. 3. The preceding section of this chapter shall not apply to any cemetery or burying ground belonging to any city or township, but the same shall belong to the city or township within which it may be situated after the division shall have been made. Cemeteries and burying grounds.

SEC. 4. All debts owing by a city or township from which territory has been detached, as provided for in section one of this act, shall be apportioned in the same manner as the personal property of such city or township, and each city and township shall be charged with and pay its share of the debts according to such apportionment. Apportionment of indebtedness.

SEC. 5. As soon after the said change of boundary as practicable either any city or township, the boundary of which has been changed, may give notice to the other cities or townships, the boundaries of which have been changed by such division, to meet with said city or township giving the notice for a settlement of the When change made notice to be given of meeting for settlement, etc.

matters in difference between said cities or city and township growing out of the said division and change of boundary, which notice may be served, in case of cities, upon the mayor of the city, and in case of townships upon the township clerk, and such notice shall specify the object for which it is given, the place of meeting, which shall be in one of said cities or townships, and the time of such meeting, which shall not be less than twenty days after service of such notice as aforesaid.

Who to represent cities and townships in settlements.

SEC. 6. If said notice is given by a city it shall be the duty of the mayor of said city to appoint a committee of four from the aldermen of said city to meet with the township board of any such township and settle the matters in difference between the city and townships. And it shall be the duty of the mayor of any city upon which such notice shall be served to appoint from the aldermen of the city a committee of four for like purpose; and the township clerk of the township upon whom such notice shall be served, shall immediately give notice to the members of the township board of the time and place said meeting has been called, and it shall be the duty of said committees so appointed in such cities and the township boards of any such townships, to meet at the time and place designated in the notice, and make a fair and equitable division of the money, rights, credits, and personal estate, and apportionment of the indebtedness of said cities or townships from which territory has been detached, as provided in section one of this act, between the said city and townships.

Duties of persons appointed at meeting.

Proceedings when no settlement arrived at in circuit court.

SEC. 7. If the mayor of any such city upon whom such notice shall be served shall neglect or refuse to appoint a committee as provided for in section six of this act, or the township clerk of any township shall neglect or refuse to notify the township board of the time and place of such meeting, or if said committee be appointed and such township board notified, if they shall neglect or refuse to meet at the time and place specified for the settlement, or having met, shall refuse, fail, or neglect to arrive at a settlement of the matters submitted to them by the preceding sections of this chapter, then the city or township giving the notice may file a bill in the circuit court in chancery in the proper county against such other city or township as is entitled under the provisions of this act to have a portion of the personal property, money, rights, and effects of the city, village, or township from which said land shall be detached, or liable to contribute to the payment of the debts of the said city, village, or township for an accounting and settlement, or in such suit in chancery between said city and township, or between such cities, and a decree may be entered in the said case fixing the amount which each of said cities or townships shall be entitled to of the moneys, rights, credits, and personal property of said city or township, the boundary of which has been changed by detaching territory therefrom as specified in section one of this act, and said decree may also apportion the amount which each of said cities or townships shall be liable for of the indebtedness of any such city or township from which lands may be detached as above specified.

SEC. 8. Upon payment of any of its indebtedness existing prior to said change of boundary by any city or township, the boundary of which has been changed as provided for in this act, the remaining cities or townships, the boundaries of which have been changed by said division, shall be liable to and pay to the city or township paying any such indebtedness their pro rata share of the indebtedness so paid.

Payment of indebtedness existing prior to change, etc., by city, etc.

SEC. 9. This act shall be applied to any change in the boundary of any incorporate village whenever it shall not be a part of any township within this State.

Act to apply to villages not part of townships.

SEC. 10. That in all cases where the boundaries of cities or townships have been heretofore changed in the manner specified in section one of this act, and no settlement of the matters in difference between said cities, or city and townships, has been arranged, and no division of the moneys, rights, credits, and personal property of said cities or townships made, or no apportionment of the indebtedness due from the city or township from which territory has been detached in making the division, shall have been made, the provisions of this act shall apply; and the provisions of this act shall extend to such cases and a settlement of said matters made and enforced in the same manner as though said division were made after the passage and taking effect of this act.

Where boundaries of cities, etc., have been changed and no settlement had, provision of act to apply.

Approved April 21, 1883.

[No. 39.]

AN ACT to authorize the formation of corporations for the purpose of excavating, constructing, and maintaining water courses with water power appurtenant thereto, for accumulating, storing, conducting, selling, furnishing, and supplying, upon an agreed rental, water and water power for mining, milling, manufacturing, domestic, municipal, and agricultural purposes.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons not less than five, may form themselves into a corporation for the purpose of excavating and constructing, maintaining, repairing, and improving any canal already existing, or which they may wish to excavate and construct, with water power appurtenant thereto, and may own, use, and control the same for the purpose of accumulating, storing, conducting, selling, furnishing, and supplying, upon an agreed rental, water and water power for mining, manufacturing, domestic, municipal, and agricultural purposes, and may acquire, take, hold, lease, and convey lands or water power, as may be necessary or convenient, for the purposes above specified, by complying with the following requirements:

Formation of corporations for maintaining, etc., water powers authorized.

SEC. 2. Such persons under their hands and seals, shall make a certificate which shall specify:

What certificate to contain.

First, The name of the corporation;

Name.

Capital stock and shares.	<i>Second,</i> A statement of the amount of capital stock of such company, and the number of shares into which the capital stock shall be divided;
Place.	<i>Third,</i> The county and townships within this State in which such canal is to be excavated and constructed, and the operations of said company carried on;
Business.	<i>Fourth,</i> The business and object of said company in general terms;
Names, etc., of stockholders.	<i>Fifth,</i> The names and places of residences of the stockholders, and the number of shares held by each of them respectively;
Directors.	<i>Sixth,</i> The names of the first directors, being not more than seven, and not less than five;
Location of office.	<i>Seventh,</i> The place in this State where their office for the transaction of business is located;
Term of existence, filing of certificate.	<i>Eighth,</i> The term of existence of such corporation, which certificate shall be acknowledged as deeds are required to be acknowledged and recorded, in the office of the clerk of the county in which the office of said company for the transaction of business is located, and a copy thereof filed in the office of the secretary of State.
Body corporate.	SEC. 3. Upon complying with the provisions of the last preceding section such company shall be a body corporate by the name designated in said certificate, and shall be subject to and governed by all the general provisions relating to corporations embraced in chapter one hundred and thirty of the compiled laws of the State of Michigan, now in force, so far as the same shall be applicable thereto.
General law governing.	
Election of board of directors.	SEC. 4. The business and property of such company shall be managed and directed by a board of not less than five nor more than seven directors, who shall be elected annually, and at such time and place as said by-laws may direct. No person shall be a director unless he is a stockholder in the corporation.
Idem.	SEC. 5. In case it shall happen that an election for directors shall not be held as provided, the said corporation shall not be for that reason dissolved, but such election shall be held on some future day to be fixed by the directors holding over, upon giving the notice therefor as in this act provided.
Majority of board may act.	SEC. 6. A majority of the directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the corporation.
Subscribing for stock.	SEC. 7. The directors of any such company may at any time receive subscriptions to stock in said company until the whole amount mentioned in their articles of association shall be subscribed, and whenever, in the judgment of the directors, it shall be necessary to increase the capital stock of any such company for the extension or more perfect completion of such proposed work, or to provide lands and buildings needful for its use, it shall be competent for such directors, with the approval or ratification of the holders of a majority of the capital stock, at any lawful meeting of the stockholders, to provide for such increase, and in all cases where such capital stock is increased, a certificate thereof shall be
Increasing capital stock.	
Certificate of increase.	

signed, certified, and filed as hereinbefore required in the case of original articles of association.

SEC. 8. The directors may call in subscriptions to the capital stock of such corporation by installments, in such portions, and at such times and places as they shall think proper, by giving notice thereof as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment for the space of sixty days after the same shall become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholder may be sold by the directors, at public auction, at the office of the secretary of the corporation, giving at least thirty days' notice in some newspaper published in the county: *Provided*, That if said stockholder shall reside in this State, the stock shall be sold at the business office of said corporation, in the county in which they are doing business, giving at least thirty days' notice thereof in some newspaper published in the county. If no newspaper be published in the county in which such corporation transacts their business, then it shall be published in the newspaper in the city of Detroit, which shall have at the time the largest circulation; and the proceeds of such sale shall be at first applied in payment of the installment called for, and the expenses on the same, and the residue shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder, to the extent of the shares so bought.

Calling in subscriptions to capital stock.

Neglect to pay.

Proviso.

SEC. 9. Every such corporation organized as hereinbefore prescribed shall have the following powers, and be subject to the liabilities and restrictions following, that is to say:

Powers of corporation.

First, To cause such examinations and surveys for the proposed improvements, whether of dams, canals, or digging or deepening of channels, to be made as may be necessary to prepare for the work to be done;

Surveys, etc., of proposed improvement.

Second, To purchase and by voluntary grants and donations to receive, enter upon, take, hold, and use all such lands and real estate and other property as may be necessary for the construction and maintenance of the work proposed in the approved plans of such company;

Acquisition of lands, etc.

Third, To divert into any canal, excavated or constructed under the provisions of this act, waters from Lake Superior or St. Mary's river, to flood lands belonging to said company by constructing the necessary dams in said canal, subject to the consent of the board of supervisors of the proper county in which said waters so diverted are situated.

To divert waters and flood lands.

SEC. 10. Said corporation may, in the exercise of its discretion, erect along the line of its canal or over different portions of its property, such railroads as may be necessary for connecting manufacturing establishments situated upon or connected with their premises or enjoying water privileges from them with any line of railroad or any harbor near them, and such telegraph lines or telephonic lines as may be reasonably necessary or convenient in connection therewith. Said corporation may purchase and hold such tracts of land along the line of its canal and water courses, as may

To construct railroads, telegraph and telephone lines.

To purchase and lease lands, etc.

reasonably be necessary or convenient for the conveying of water, storing it, and dispensing and dividing it among those who wish to purchase or lease it for any of the purposes mentioned in this act, or for the purpose of erecting manufactories or mills upon.

To furnish water.

SEC. 11. Such company may furnish water to other persons or companies for mining, manufacturing, milling, domestic, municipal, or agricultural purposes, on such rent as shall be agreed upon by and between it and those desiring to obtain it, or it may use the same for such purposes itself in any class of manufacturing purposes. It is authorized to bring suit to enforce the payment of such rent in any proper court of the county where its principal office is located.

Penalty for obstruction of waters and injury to property, etc.

SEC. 12. If any person shall willfully obstruct any stream or waters improved under the provisions of this act or any part thereof, or shall willfully destroy or injure any buildings, piers, dams, fixtures, banks, or other constructions in use upon the same, belonging to said company, such person or persons so offending, shall, for every offense, be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year, in the discretion of the court.

Annual report.

SEC. 13. On or before the first Monday in July in each year it shall be the duty of the directors of every company formed under this act to report to the secretary of State, under the oath of the secretary and at least two of the directors, the length of the stream or waters so constructed or improved, the cost of such improvements, the amount of money expended, the amount of their capital, how much of the same is paid in, and how much is expended, the whole amount of tolls or earnings expended on such improvements, the amount of money received during the previous year for tolls, and from all other sources, stating each separately, the amount set apart for repairs, the amount of dividends made, and the amount of indebtedness of such company, specifying the object for which such indebtedness accrued.

Annual tax to be paid to State treasurer.

SEC. 14. Each and every company formed under this act shall pay to the treasurer of the State of Michigan an annual tax at the rate of one per cent on the whole amount of capital paid in upon the capital stock of said company, which tax shall be estimated upon the last preceding report of said company, and shall be paid to the said treasurer on the first Monday in July of each year and shall be in lieu of all other taxes upon all the property of said company.

Liability of stockholders.

SEC. 15. The stockholders of every company organized in pursuance of this act shall be jointly and severally personally liable for the payment of all debts and demands against such association, which shall be contracted, or which shall be or shall become due during the time of their holding such stocks for any labor or services done or performed for such company, but no stockholder shall be proceeded against for the collection of any debt or demand against such company until execution on judgment for such labor and services shall have been returned unsatisfied, or unless such association shall be dissolved.

SEC. 16. The shares of any company formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such company. Shares deemed personal property.

SEC. 17. Service of any legal process against any such corporation may be made on the president, treasurer, or upon any of the directors of such company. Service of legal process against,

Ordered to take immediate effect.

Approved April 21, 1883.

[No. 40.]

AN ACT making an appropriation for the support of insane soldiers at the Michigan asylum for the insane.

SECTION 1. *The People of the State of Michigan enact,* That there be and hereby is appropriated from the State treasury to the Michigan asylum for the insane, the sum of one thousand two hundred and twenty-five dollars and twenty-four cents, the amount due for the support of insane soldiers from February first, one thousand eight hundred and eighty-one, to June second, one thousand eight hundred and eighty-one, inclusive, admitted under the provisions of act ninety-one, laws of eighteen hundred and seventy-three. This amount is to be paid out of the general fund. Appropriation for support of insane soldiers.

Approved April 21, 1883.

[No. 41.]

AN ACT to amend section nine of an act to provide for the incorporation of Holland christian reformed churches, approved April first, eighteen hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact,* That section nine of an act entitled "An act to provide for the incorporation of Holland christian reformed churches," approved April first, eighteen hundred and eighty-one, be amended so as to read as follows : Section amended.

SEC. 9. The congregation of any church, the trustees of which have been incorporated under any law of this State, may elect to dissolve their existing organization and take corporate powers under this act: *Provided,* That the consent of two-thirds of all persons present and entitled to vote under such law at a public meeting, be obtained therefor, of which meeting due notice of time, place and object thereof shall be given in the manner prescribed in section three thousand and fifty-seven of the compiled laws. If such consent shall be obtained, a certificate thereof shall be executed and acknowledged by the presiding officer and secretary of such meeting, and shall be recorded in the office of the clerk of the county where the original certificate of incorporation was recorded ; and on compliance with the provisions of this act providing for the creation How churches now incorporated may incorporate under this act. Provide.

of such corporations, all the property, powers, duties, trusts and obligations of every kind, possessed by or pertaining to the original corporation, shall be transferred to and become vested in the corporation organized for the same church under this act.

This act is ordered to take immediate effect.

Approved April 24, 1883.

[No. 42.]

AN ACT making appropriations for overdrafts made at the State house of correction and reformatory at Ionia, Michigan.

Appropriation
for overdrafts.

SECTION 1. *The People of the State of Michigan enact*, That the following named sums be and the same are hereby appropriated from the general fund for overdrafts on the several appropriations hereinafter named for the State house of correction and reformatory at Ionia, Michigan, to wit: For barn, stable, horses, and cows, eleven dollars and forty-eight cents; for engine and steam heating, fifty-four dollars and sixty-nine cents; for work shops, one hundred thirty-five dollars and eighty-two cents; for furnishing three hundred and twelve cells, forty-one dollars and thirty-six cents.

How drawn and
accounted for.

SEC. 2. The above amounts may be drawn from the State treasury and accounted for in the manner provided by law.

This act is ordered to take immediate effect.

Approved April 24, 1883.

[No. 43.]

AN ACT to amend sections eight and nine of public act number one hundred and ninety-four of the session laws of eighteen hundred and seventy-seven, entitled "An act to provide for the organization, regulation, and management of the asylums for the insane, and effectually to provide for the care, maintenance, and recovery of the insane."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections eight and nine of public act number one hundred and ninety-four of the session laws of eighteen hundred and seventy-seven, shall be and the same are hereby amended so as to read as follows:

Officers ap-
pointed by boards
of trustees.

SEC. 8. The boards of trustees shall severally appoint a medical superintendent, who shall be a well educated physician, experienced in the treatment of the insane; and a treasurer, not one of their own number, who shall give bonds for the faithful performance of his trust in such sum and with such sureties as the auditor general of the State shall approve. They shall also appoint upon the nomination of a medical superintendent, a steward, chaplain, and matron, and also in like manner an assistant medical superintendent

and three assistant physicians. And reside in the asylums.

SEC. 9. The boards of trustees determine the annual salaries of such salaries shall not exceed one thousand dollars for any one year.

This act is ordered to take immediate effect.
Approved April 24, 1883.

[No. 44]

AN ACT to provide for the assessment of taxes on part-paid lands in the State of Michigan.

SECTION 1. *The People of the State of Michigan* shall be the duty of the commissioner of the State, on the first day of October of each year, to prepare lists showing descriptions of lands upon which taxes have been assessed for the current year while the lands were part-paid, but which had been patented by the State, and upon which taxes have not been paid, and forward the same to the supervisor of the township where the lands lie.

SEC. 2. It shall be the duty of the supervisor of the township receiving such list to reassess the taxes therein reported upon the same land.

SEC. 3. It shall be the duty of the township treasurer to collect and return the same in the same manner as provided for the collection and return of other taxes.

This act is ordered to take immediate effect.

Approved April 24, 1883.

[No. 45.]

AN ACT to amend section four thousand nine hundred and seven of the compiled laws of eighteen hundred and seventy-one, relative to the supreme court.

SECTION 1. *The People of the State of Michigan enact*, That section four thousand nine hundred and seven of the compiled laws of eighteen hundred and seventy-one be and the same is hereby amended so as to read as follows:

(4907.) SEC. 7. Upon all questions arising under the exercise of such jurisdiction, when argument of counsel may be desired or intended by the parties, or may be requested by the court, the court may order such arguments to be had at any of said terms. And after the arguments of any cause, or when the same is submitted on briefs, if the court is of opinion that a certain point or legal proposition is involved which is material to the decision of the case and which has not been raised or argued by counsel on either side, the

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for improve-
ment of adjoin-
ing hospital to
Appropriations
of

Sums to be
credited to
the public
treasury.

aid out.

Salary
fund.

Supervisors to
re-assess taxes.

Collection and
return of taxes.

Section
amended.

Court may order
argument of
counsel at any
term.

Case not to be
decided on point
not raised by
counsel until
opportunity is
given to argue
same.

of such case not be decided on such point or proposition until both obligation have had an opportunity to argue the same before the court. corporate moved April 24, 1883.

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[No. 46.]

AN ACT making an appropriation for and fixing the salary of the auditor general.

of auditor
ral,

SECTION. 1. *The People of the State of Michigan enact*, That the auditor general shall receive from and after the first day of January, one thousand eight hundred and eighty-three, an annual salary of two thousand dollars, payable quarterly, yearly, or monthly out of any money in the State treasury belonging to the general fund not otherwise appropriated: *Provided*, He shall not directly or indirectly receive any fees, mileage, or perquisites whatever for the performance of duties connected with his office excepting actual personal expenses while away from the seat of government in the discharge of his official duties.

Proviso.

Acts repealed.

SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 24, 1883.

[No. 47.]

AN ACT making an appropriation for the support of the State public school and making improvements at that institution.

Appropriation
made.

SECTION 1. *The People of the State of Michigan enact*, That the sum of thirty-six thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the State public school for the year eighteen hundred and eighty-three, and the further sum of thirty-nine thousand dollars be and the same is hereby appropriated out of the general fund to meet the expenses of the State public school for the year eighteen hundred and eighty-four, and that the further sum of sixteen thousand six hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the general fund for the following named purposes for the State public school: For repairs on buildings, steam and water-works, and painting, two thousand five hundred dollars; for furniture, including bedding, one thousand dollars; for washing machines, wringer, and improvements in laundry, eight hundred dollars; for brick tunnel for main steam pipes, eight hundred dollars; for fencing, sidewalks, fruit and ornamental trees, five hundred dollars; for cows, five hundred dollars; for carpenter shop, paint and tool house, three hundred dollars; for radiators, hose, iron bath tubs, and track scales, three hundred and fifty dollars; for library and rebinding, two hundred dollars; for improve-

ments to engine-house, three hundred and fifty dollars ; for improvements to ice-house, three hundred dollars ; for four acres of adjoining land, six hundred dollars ; for changing the present hospital to a cottage and furnishing the same, four hundred dollars ; for erecting a one-story wood hospital and two small buildings for contagious cases, and furniture, five thousand dollars ; for the purchase of thirty acres of land for pasturage, three thousand dollars.

SEC. 2. That the several sums appropriated by the provisions of this act shall be passed to the credit of the State public school and paid to the board of control of that institution or to its treasurer, at such times and in such amounts and manner as is now provided by law and by this act, and as may be made to appear to the auditor general to be necessary.

Sums to be credited to State public school.

How paid out.

SEC. 3. That one-half of the aggregate sum of the appropriations made by this act the auditor general shall add to and incorporate with the tax for the year eighteen hundred and eighty-three, and the other half of the appropriations made by this act the auditor general shall add to and incorporate with the tax for the year eighteen hundred and eighty-four, which sums when collected shall be passed to the credit of the general fund.

Taxes to raise amount.

This act is ordered to take immediate effect.

Approved April 25, 1883.

[No. 48.]

AN ACT to authorize the covenant mutual benefit association of Michigan, and the covenant mutual benefit association of Illinois, and any other association [associations] organized for the benefit of members of the independent order of odd fellows, to unite and consolidate their associations for the transaction in this State of the general business for which both associations have been organized.

SECTION 1. *The People of the State of Michigan enact*, That the covenant mutual benefit association of Michigan, a corporation existing under the laws of this State, and organized under an act entitled "An act to provide for the incorporation of coöperative and mutual benefit associations," approved April third, eighteen hundred and sixty-nine, and the covenant mutual benefit association of Illinois, a corporation organized and existing under the laws of the State of Illinois, be, and they are hereby authorized and empowered to unite and consolidate their associations for the transaction in this State of the general business for which both associations have been organized.

Consolidation authorized.

SEC. 2. That said union and consolidation may be effected by contract in writing duly executed by said corporations, and when so effected said associations shall be authorized and empowered to transact all such business as the said covenant mutual benefit association of Michigan may now lawfully transact under its charter and the statutes of this State under which it was organized,

How consolidation effected.

and shall have the same rights, powers, and exemptions, and be subject to the same duties, liabilities, and restrictions, and none others, as now pertain to the said covenant mutual benefit association of Michigan, under its said charter and the statutes aforesaid.

Joint and several liability of associations.

Service of process, etc., upon either deemed service upon both.

Consolidation of other associations authorized.

How consolidation effected.

SEC. 3. The said covenant mutual benefit association of Michigan, and the said covenant mutual benefit association of Illinois shall be jointly and severally liable upon all certificates of membership issued by them, and service of any writ, process, or declaration, whereby suits may be commenced under the laws, and practice of courts, of this State, made within this State upon the said covenant mutual benefit association of Michigan, shall be held and deemed to be sufficient service of the same upon both of said corporations.

SEC. 4. Any mutual benefit or relief association organized in this State for the benefit of members of the fraternity of the independent order of odd fellows, under an act entitled "An act to provide for the incorporation of coöperative and mutual benefit associations," approved April third, eighteen hundred and sixty-nine, is hereby authorized and empowered to unite and consolidate its association with any other mutual benefit or relief association of like character organized and doing business in any other of the United States, for the transaction in this State of the general business for which both such associations so consolidated have been organized. Such consolidation may be effected in the manner provided in section two of this act, and such associations, when so consolidated, shall be subject to all of the provisions of sections two and three of this act.

This act is ordered to take immediate effect.

Approved April 25, 1883.

[No. 49.]

AN ACT to amend sections one, two, and three of an act entitled "An act to provide for the ascertaining and giving notice of title to the lands of the heirs of deceased persons," approved March thirteenth, eighteen hundred and sixty-seven, being sections four thousand three hundred and ninety-eight, four thousand three hundred and ninety-nine, and four thousand four hundred of the compiled laws of eighteen hundred and seventy-one.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections four thousand three hundred and ninety-eight, four thousand three hundred and ninety-nine, and four thousand four hundred of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

Determination by probate court of legal heirs.

(4398.) SEC. 1. When any person shall have deceased, having title to any lands in this State, or whenever a conveyance or grant of any lands in this State shall be or shall have been made to the heirs or legal representatives of any deceased person, without indicating or showing who are or were such heirs or representatives, it shall be lawful for any person or persons claiming an interest in said lands, whether as heirs-at-law or under such heir or heirs, to

apply to the probate court of the county in which such lands or any part thereof are located, which said court shall adjudicate and determine who are or were the legal heirs or representatives of said deceased person, and entitled to the lands of which the deceased died seized, or the lands embraced in the conveyance or grant made to the legal representatives of such deceased person.

(4399.) SEC. 2. The application shall be made by filing a petition in said court, subscribed by the petitioner, his, her or their attorney, duly verified, setting forth the name of the deceased, that he died seized of lands in this State, or that a conveyance or grant was made to the legal representatives or heirs of the deceased, as the case may be, of certain lands, a portion of which (and describing such portion) the petition shall show to be located in the county where said petition is to be filed, the names and residences of the heirs or legal representatives of said deceased person, so far as the same are known to the petitioner, and shall conclude with a prayer for the determination and adjudication aforesaid, and thereupon said court shall make an order setting forth the time and place of hearing such petition, and shall cause notice of such petition, and of the time and place assigned for the hearing thereof, to be published for three successive weeks in such newspaper as the said court shall direct.

Petition to court for, what to contain.

Order fixing time and place of hearing.

(4400.) SEC. 3. At the time assigned for the hearing of said petition, or at the time to which said hearing may be adjourned, the court may hear proof taken by commission or by witnesses produced in open court, of the facts set forth in said petition, and shall thereupon, if the evidence be sufficient, find and adjudge who are or were the heirs or legal representatives of the deceased, and entitled by the laws of this State to inherit the real estate of the deceased, or to take title to lands conveyed or granted to the heirs or legal representatives of said deceased, which finding and adjudication shall be entered on the journal of said court, and which entry, or a duly certified copy thereof, shall be *prima facie* evidence of the facts therein found.

Finding and adjudication of the court.

Ordered to take immediate effect.

Approved April 26, 1883.

[No. 50.]

AN ACT making an appropriation for an additional power boiler at the eastern Michigan asylum at Pontiac.

SECTION 1. *The People of the State of Michigan enact*, That there be and hereby is appropriated out of the State treasury for the eastern Michigan asylum at Pontiac, the sum of two thousand eight hundred and fifty dollars, for the purchase of an additional power boiler.

Appropriation made.

SEC. 2. That there shall be assessed upon the taxable property of the State in the year eighteen hundred and eighty-three, the sum of two thousand eight hundred and fifty dollars, which shall be

Assessment of tax for payment of.

assessed, levied, and collected in the same manner as other State taxes are by law assessed, levied, and collected, which tax, when collected, shall be credited up to the general fund, to reimburse the same for the amounts drawn therefrom, as provided in section one of this act.

How drawn from
State treasury
and expended.

SEC. 3. That the moneys appropriated hereby may be drawn from the State treasury upon the warrant of the auditor general, in such sums and at such times as shall be made to appear to him necessary; they shall be expended only for the purpose specified, and their receipt and disbursement shall be accounted for by duplicate vouchers and monthly accounts current, as provided for by act number one hundred and forty-eight, of the laws of eighteen hundred and seventy-three.

Approved April 26, 1883.

[No. 51.]

AN ACT making an appropriation for the pioneer society of the State of Michigan for the years eighteen hundred and eighty-three and eighteen hundred and eighty-four.

Appropriation made.

Purposes for which to be expended.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated from the general fund for each of the years eighteen hundred and eighty-three and eighteen hundred and eighty-four, to the pioneer society of the State of Michigan, the sum of five hundred dollars, to be expended from time to time whenever needed for the purposes of said society, in collecting, embodying, arranging, and preserving in authentic form a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary, and other materials, illustrative of the history of Michigan, to rescue from oblivion the memory of its early pioneers; to obtain and preserve narratives of their early exploits, perils, and hardy adventures; to secure facts and statements relative to the history, genius, progress, or decay of our Indian tribes; to exhibit faithfully the antiquities and the past and the present resources of Michigan; but no part of such annual appropriation shall ever be paid for service rendered by its officers to the society.

Further appropriation made for publishing book, etc.

Number of copies.

SEC. 2. There is hereby further appropriated from the general fund for each of the years eighteen hundred and eighty-three and eighteen hundred and eighty-four, the sum of two thousand dollars, or as much thereof as may be necessary for the publishing, by the State printer, in each of the years eighteen hundred and eighty-three and eighteen hundred and eighty-four, under the direction of the pioneer society of the State of Michigan, one volume of matter prepared and selected by the officers of said society, said volume, in each year, not to exceed seven hundred and twenty pages, and to be in type, style of printing and binding similar to the "pioneer collections," heretofore published by said pioneer society; the number of copies so to be published under the direction of said pioneer society not to exceed in each year three thousand volumes.

SEC. 3. Five hundred copies of each volume, to be published as heretofore in this act provided for, shall be deposited in the State library of Michigan for exchange with the pioneer and historical societies of other states, governments, and countries. A further distribution of said volumes to be made by the officers of said pioneer society, to each of the duly incorporated public libraries in the State of Michigan, when demanded by the proper officers of said libraries, and the balance to be placed in the hands of the State librarian to be sold at a price not less than seventy-five cents per volume, the proceeds to be deposited in the State treasury to the credit of the general fund.

Disposition
of books.

SEC. 4. The money appropriated by this act may be drawn from the State treasury from time to time, on warrant of the auditor general, based on the requisition of the proper officer of the society, subject to the requirements of law in regard to filing vouchers and accounts.

How moneys
drawn from State
treasury.

Approved April 26, 1883.

[No. 52.]

AN ACT to amend section one of chapter seven of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact, That* section one of chapter seven of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, be and the same is hereby amended so as to read as follows:

Section
amended.

SECTION 1. Every village subject to the provisions of this act, shall, in addition to such other powers as are conferred, have the general power and authority granted in this chapter, and the council may pass such ordinances in relation thereto as it may deem proper, namely:

Powers and
authority of
villages to pass
ordinances in
relation to

First, To restrain and prevent vice and immorality;

Vice.

Second, To punish vagrants, disorderly persons and common prostitutes;

Vagrants, etc.

Third, To abate nuisances and preserve the public health;

Nuisances, etc.

Fourth, To prohibit and suppress disorderly and gaming houses;

Gaming houses.

Fifth, To regulate, license, or suppress billiard tables and ball alleys;

Billiard tables.

Sixth, To suppress gaming;

Gaming.

Seventh, To suppress saloons for the sale of spirituous and intoxicating liquors and license taverns and eating houses;

Sale of
liquor, etc.

Eighth, To regulate and license public shows and exhibitions;

Shows.

Ninth, To license auctioneers, license and regulate hawkers and peddlers, and to regulate or prohibit sales of property at auction, except sales made pursuant to some order of court or public law;

Auctioneers,
peddlers, etc.

Tenth, To license and regulate hacks and other public vehicles;

Hacks.

Inspection of
firewood, etc.

Weights and
measures.
Bathing.

Combustibles.

Cemeteries.

Fire department.

General
welfare, etc.

Eleventh, To provide for and regulate the inspection of provisions, firewood, and hay on the public markets;

Twelfth, To provide for the inspection of weights and measures;

Thirteenth, To prohibit bathing in the public waters of the village;

Fourteenth, To regulate or prohibit the selling, storing or transportation of combustible or explosive substances or materials within the village, and to regulate and restrain the making of fires in the streets or other open spaces in the village;

Fifteenth, To purchase and regulate cemeteries;

Sixteenth, For the organization and regulation of the fire department, and for the prevention and extinguishment of fires, and to establish and maintain definite fire limits;

Seventeenth, To adopt such other ordinances and make such other regulations for the safety and good government of the village and the general welfare of its inhabitants, as are not inconsistent with the general laws of this State.

Approved April 20, 1883.

[No. 53.]

AN ACT to add a new section to chapter ten of act number one hundred and sixty-four, laws of eighteen hundred and eighty-one, approved May twenty-one, eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," said section to be known as section five.

Section added.

SECTION 1. *The People of the State of Michigan enact*, That a new section, to be known as section five, be and is hereby added to chapter ten of act number one hundred and sixty-four, laws of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," said section to read as follows:

Uniting of contiguous districts
to form a graded
school district.

SEC. 5. Whenever two or more contiguous districts, having together more than one hundred children between the ages of five and twenty years, after having published in the notices of the annual meetings of each district the intention to take such action, shall severally, by a vote of two-thirds of the qualified voters attending the annual meetings in said districts determine to unite for the purpose of establishing a graded school district under the provisions of this chapter, the school inspectors of the township or townships in which such districts may be situated shall, on being properly notified of such vote proceed to unite such districts, and shall appoint as soon as practicable, a time and place for a meeting of the new district, and shall require three notices of the same to be posted in each of the districts so united at least five days before the time of such meeting, and at such meeting the district shall elect a

board of trustees, as provided in section one of this chapter, and may do whatever business may be done at any annual meeting. Election of board of trustees.

This act is ordered to take immediate effect.

Approved April 27, 1883.

[No. 54.]

AN ACT to amend section seven of an act entitled "An act to prescribe the manner of selling leasehold interests in lands on execution," approved May thirteen, eighteen hundred and seventy-nine.

SECTION 1. *The People of the State of Michigan enact*, That section seven of an act entitled "An act to prescribe the manner of selling leasehold interests in lands on execution," approved May thirteen, eighteen hundred and seventy-nine, be, and the same is hereby amended so as to read as follows: Section amended.

SEC. 7. The term leasehold interest, wherever used in this act, shall be deemed to include mining licenses, for mining ore or minerals. Tenancies at will shall not be subject to the provisions of this act. Leasehold interests, etc.

Approved April 27, 1883.

[No. 55.]

AN ACT to prevent fishing near shutes or fish ladders.

SECTION 1. *The People of the State of Michigan enact*, That all persons are prohibited after the passage of this act from fishing with any seine, net, or any other device other than hook and line, within three hundred feet of any fish-shute or ladder, below any dam where such shute or ladder may be located, or within one hundred feet of any such shute or ladder above any such dam. And any person or persons who shall be found guilty of violating any provision of this act shall, on conviction, be subjected to a fine of not less than five nor more than twenty-five dollars for each and every offense, at the discretion of the court. Fishing near shutes, etc., prohibited.

Approved April 27, 1883. Penalty for.

[No. 56.]

AN ACT to amend section three of chapter seven, of act number two hundred and forty-three, of the session laws of eighteen hundred and eighty-one, being an act to revise and consolidate the laws relating to the establishment, opening, improvement, and maintenance of highways and private roads, and the building, repairing, and preservation of bridges within this State.

SECTION 1. *The People of the State of Michigan enact*, That section three of chapter seven of act number two hundred and forty- Section amended.

three of the session laws of eighteen hundred and eighty-one, being an act to revise and consolidate the laws relating to the establishment, opening, improvement, and maintenance of highways and private roads, and the building, repairing, and preservation of bridges within this State, be, and the same is hereby amended so as to read as follows:

Duty of commissioner when expenditure of over one thousand dollars necessary.

Question of raising money to be submitted to electors, etc.

Limitation of amount to be raised.

SEC. 3. Whenever, in the opinion of the commissioner, an exigency may exist requiring the expenditure of a greater sum than one thousand dollars for the building, rebuilding, or repair of any bridge or bridges in his township (or whenever he shall be petitioned, in writing, by not less than fifteen resident freeholders thereof), he shall notify the township clerk of the township, in writing, and the township clerk shall, within five days thereafter, call a meeting of the township board, to consider the matter of such notice. In case the exigency be deemed sufficient, the township board shall order that the question of raising money for such building, rebuilding, or repair, be submitted to the electors of the township. If the order be made within thirty days preceding the annual township meeting, the question shall be submitted at such meeting, but otherwise a special township meeting shall be called, and the township board shall determine the form of notice to be given, as prescribed in the next section following, and at such township meeting the qualified electors of such township may vote a sum not exceeding one-half of one per cent in any one year, on the assessed valuation of the real and personal estate of such township as may appear by the then last assessment, for the purposes in this section specified.

Approved April 27, 1883.

[No. 57.]

AN ACT to prevent fast driving or riding over bridges owned by counties.

Fast driving and riding over bridges prohibited.

Penalty for.

Notice to be placed on bridges.

SECTION 1. *The People of the State of Michigan enact*, That whenever any county in this State shall own any bridge across a navigable stream the board of supervisors may make rules to prevent fast riding or driving thereon, and such reasonable rules as may be so made shall have full force and effect as to all persons passing over such bridge, and any person violating the same shall be liable to a penalty as hereinafter provided, for such violation.

SEC. 2. No person shall be so liable unless those in charge of said bridge shall cause to be placed and maintained on said bridge a notice in large painted letters, as follows: "Five dollars fine for driving or riding faster than a walk on or across this bridge." Any person so offending shall be deemed guilty of a misdemeanor and, on conviction, shall be liable to a fine not to exceed five dollars, and in default of the payment of such fine, to imprisonment in the county jail for a period not to exceed ten days.

Approved April 27, 1883.

[No. 58.]

AN ACT to amend section five thousand one hundred and seventy-nine of the compiled laws of eighteen hundred and seventy-one, relative to courts of chancery.

SECTION 1. *The People of the State of Michigan enact*, That section five thousand one hundred and seventy-nine of the compiled laws of eighteen hundred and seventy-one be and the same is hereby amended so as to read as follows:

(5179.) SEC. 143. Any complainant or defendant who may think himself aggrieved by the order overruling a general demurrer, or by the decree or final order of a circuit court in chancery in any cause, may appeal therefrom to the supreme court. When the supreme court decides the appeal taken from an order overruling a demurrer the case shall be remanded to the circuit court in chancery, and the complainant may amend his bill, or the defendant may file his answer as the case may be, and for that purpose the parties shall have such reasonable time as the supreme court may prescribe, and the cause shall then be heard and disposed of the same as cases in which no interlocutory appeal has been taken. Where there are two or more defendants, a portion of whom only demur, all proceedings shall be stayed as to the other defendants, except filing and serving pleadings until such demurrer is finally disposed of.

Approved April 27, 1883.

[No. 59.]

AN ACT to amend section two (2), chapter eight (8), of act number two hundred and forty-three, of public acts of eighteen hundred and eighty-one, relative to the selection of jurors to lay out highways.

SECTION 1. *The People of the State of Michigan enact*, That section two, chapter eight, of act number two hundred and forty-three, public acts of eighteen hundred and eighty-one, relative to the selection of jurors to lay out highways, be amended so as to read as follows:

SEC. 2. At the time and place designated, the commissioner shall direct some disinterested person to write down the names of eighteen disinterested freeholders, from which list the owner or occupant of the land to be crossed by such road, and the applicant for the road shall strike out three names each, and the balance remaining on the list shall form the jury. In case the owner or occupant, or the applicant shall not be present, or being present shall neglect or refuse to strike, the commissioner shall strike for the party so absent, or neglecting or refusing. The commissioner shall issue a citation to such freeholders to appear before him at a time certain within forty-eight hours, to determine as to the necessity of such road, and the damages resulting therefrom, in case such road shall be deemed necessary, and the hearing of the appli-

Proviso.

cation shall then stand continued until the time when the citation is returnable: *Provided, however,* When from any cause a sufficient number of jurors to form a panel shall not appear at the given time, the commissioner may direct some disinterested freeholder to write down the names of disinterested freeholders enough to equal twice the number of vacancies to be filled. The commissioner shall strike off one-half of the names from such list, and shall issue a citation to such freeholders to appear before him forthwith.

Approved April 27, 1883.

[No. 60.]

AN ACT for the construction of sidewalks, within and along highways in townships and villages.

Construction,
etc., of sidewalks
authorized.

SECTION 1. *The People of the State of Michigan enact,* That public sidewalks may be established, opened, improved, and maintained within the boundaries, and along the highways, within this State under the provisions of this act; and the townships and unincorporated villages of this State shall possess the authority herein prescribed, for the building, repairing, and preserving the same.

Width of sidewalks, etc.

SEC. 2. Public sidewalks shall not be less than four feet in width when constructed of earth, and may be laid out, altered, or discontinued, by the commissioners of, highways of any township, within any road district, upon the written application of a majority of the tax payers of any road district, or of two or more contiguous road districts.

What applications for laying out sidewalks, etc., to contain.

SEC. 3. In applications for laying out or altering a sidewalk, the highway along which the walk is to be laid, or the extent to which it is proposed to be changed, shall be described in general terms, and when the application is for the altering or discontinuance of a sidewalk, such walk may be described by any means by which it is known; but if discontinuance of only a portion of the walk is asked for, such portion shall be specified.

Notice to be given by commissioner upon receipt of application.

SEC. 4. In case of an application the commissioner shall, within five days after receiving the same, issue a written notice stating the object of such application, and appoint a time and place of hearing, which notice shall be served by posting up the same in three public places in each highway district, along the line of the proposed sidewalk, ten days before the time of hearing.

Proceedings upon hearing.

SEC. 5. The commissioner, shall, at the time appointed, proceed to examine the route prescribed, and to ascertain and determine the necessity for laying out, altering or discontinuing a sidewalk pursuant to such application; and within five days after a final determination upon any application, he shall file a full record and return of his doings in the premises, with the township clerk.

Overseers of highways to have care and control of, etc.

SEC. 6. The overseers of highways in each road district shall have the general care and superintendence of such sidewalks, and shall for the purpose of building and repairing the same, use, not to

exceed one-tenth, of the highway labor, or money assessed, in his district.

SEC. 7. Whoever shall ride or drive upon any sidewalk laid out according to the provisions of this act, except for the purpose of crossing the same, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding five dollars for each offense. Riding and driving upon prohibited.

Approved April 27, 1883.

[No. 61.]

AN ACT making an appropriation for the support of the reform school for the years eighteen hundred and eighty-three and eighteen hundred and eighty-four.

SECTION 1. *The People of the State of Michigan enact, That* there be and hereby is appropriated from the general fund in the State treasury the sum of forty-five thousand dollars to meet the current expenses of the reform school for the year eighteen hundred and eighty-three, and the further sum of forty-five thousand dollars to meet the current expenses of the reform school for the year eighteen hundred and eighty-four. Appropriation made.

SEC. 2. The several sums appropriated by the provisions of section one of this act shall be placed to the credit of the reform school, and paid on the order of the board of control in quarterly installments, in accordance with the provisions of law. To be placed to credit of reform school.

SEC. 3. The auditor general shall add to and incorporate in the State tax for the years eighteen hundred and eighty-three and eighteen hundred and eighty-four the amounts appropriated by section one of this act for each of said years, which amounts when collected shall be passed to the credit of the general fund to reimburse the same for the amounts hereby appropriated therefrom. Tax for.

Ordered to take immediate effect.

Approved May 2, 1883.

[No. 62.]

AN ACT to amend section thirteen of an act entitled "An act to authorize the formation of corporations for the purpose of improving the navigation of rivers," approved April fifth, one thousand eight hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact, That* section thirteen of an act entitled "An act to authorize the formation of corporations for the purpose of improving the navigation of rivers," approved April fifth, one thousand eight hundred and sixty-nine, being section two thousand seven hundred and twenty-eight of the compiled laws of one thousand eight hundred and seventy-one, be and the same is hereby amended so as to read as follows: Section amended.

When corporation may make improvements.

Powers, liabilities and restrictions.

Power to make examination and surveys.

To enter upon lands, etc.

Damages.

Acquisition of property.

To divert waters.

To flood lands.

Proviso.

To drive logs, etc., and make contracts for tolls, etc.

SEC. 13. Every such corporation organized, as hereinbefore prescribed, may make the improvements thus set forth in said plans after the same shall have been approved by said board of control, and shall have the following powers and be subject to the liabilities and restrictions following, that is to say,

First, To cause such examinations and surveys of [for] the proposed improvements, whether of dams or canals, or deepening of the channels to be made along the stream, the navigation of which it is proposed to improve, as may be necessary to prepare for the work to be done, and by their officers and agents and servants to enter upon the lands or waters of any person or company, but subject to liability for all damages which they shall do thereto;

Second, To purchase, and by voluntary grants and donations to receive, enter upon, take, hold, and use all such lands and real estate and other property as may be necessary for the construction and maintenance of the work proposed in the approved plans of such company;

Third, To divert into such stream to be improved, waters from any lake or lakes in the vicinity thereof by canals to be constructed for that purpose; to divert the water from the present channel of the stream to be improved, by cutting across bends in said river; to flood lands by constructing the necessary dams according to plans approved as aforesaid, and to enter upon, take, and use any lands which may be necessary for the purpose of constructing and maintaining such works and improvements: *Provided*, That the necessity for such diversion of the water, flooding of lands, and of taking such lands for such purposes, and the damages to be paid therefor, in each case of diversion of water, flooding of land, or taking of the same shall be ascertained, and such damages paid as provided for in sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, and twenty-five of an act entitled "An act to provide for the formation of companies to construct plank roads," approved April eighth, one thousand eight hundred and fifty-one, being sections one thousand eight hundred and ninety-four to one thousand nine hundred and five, inclusive, of the compiled laws and the amendments thereto;

Fourth, To have power to drive the logs put into such stream, and for that purpose to make and enforce all necessary contracts with the owners of the logs and other floatables to be driven in such stream, and may also make contracts relative to tolls to be paid by any person for the use for any number of years of any portion of any stream improved by such corporation, and when any such contract is in writing, the same shall be executed on the part of such corporation by its president and secretary under the seal of such corporation.

Ordered to take immediate effect.

Approved May 2, 1883.

[No. 63.]

AN ACT to amend section seven of chapter two hundred and eight of the revised statutes of one thousand eight hundred and seventy-one, being compiler's section six thousand six hundred and thirty, relative to proceedings by and against public bodies having certain corporate powers, and by and against officers representing them.

SECTION 1. *The People of the State of Michigan enact*, That section seven of chapter two hundred and eight of the revised statutes of one thousand eight hundred and seventy-one, being compiler's section six thousand six hundred and thirty, relative to proceedings by and against public bodies having certain corporate powers, and by and against officers representing them, be and the same is hereby amended so as to read as follows: Section amended.

(6630.) SEC. 7. Whenever a judgment shall have been recovered against any township, village, or city, or against the trustees or common council or officers thereof, in an action prosecuted by or against them in their name of office, no execution shall be awarded or issued upon such judgment, but the same, unless reversed, shall be levied and collected as other township, village, or city charges, and when so collected shall be paid by the treasurer of said township, village, or city to the person to whom the same shall have been adjudged, upon the delivery of a proper voucher therefor. How judgment against township, etc., collected.

Ordered to take immediate effect.

Approved May 2, 1883.

[No. 64.]

AN ACT to amend section six hundred and twenty-six of the compiled laws of one thousand eight hundred and seventy-one, relating to removals from office.

SECTION 1. *The People of the State of Michigan enact*, That section six hundred and twenty-six of the compiled laws of one thousand eight hundred and seventy-one, relating to removals from office, be amended so as to read as follows: Section amended.

(626.) SEC. 12. The judge of the circuit court and the circuit court commissioner shall have authority, in term or vacation, to remove the county clerk when in their opinion he is incompetent to execute properly the duties of his office, or when, on charges and evidence, they shall be satisfied that he has been guilty of official misconduct, or habitual or willful neglect of duty, if in their opinion such misconduct or neglect shall be a sufficient cause for such removal; but no such clerk shall be removed for such misconduct or neglect, unless charges thereof shall have been preferred to said judge or commissioner, and notice of the hearing with a copy of the charges delivered to such clerk, and a full opportunity given him to be heard in his defense. All expense on the part of the prosecution for examination of charges, provided for in the pre- When and by whom county clerks may be removed.
Charges to be preferred.
Expense of examination.

ceding section of this act, shall be paid by the counties in which the officer to be examined holds his office.

Ordered to take immediate effect.

Approved May 2, 1883.

[No. 65.]

AN ACT requiring the clerk of the supreme court to give bonds.

Bond required
of clerk of
supreme court.

Approval of.

Condition of.

SECTION 1. *The People of the State of Michigan enact*, That the clerk of the supreme court of this State before entering upon the duties of his office, and within ten days after his appointment to such office, shall give a bond to the people of the State of Michigan, in the penal sum of five thousand dollars, to be approved by the chief justice of the supreme court, for the faithful discharge of the duties of his office. Such bond shall be in each instance for the period of five years, and shall be renewed at all events at the expiration of that time, but the supreme court may require a new or additional bond at any time.

SEC. 2. The condition of such bond shall be in substance as follows:

WHEREAS, The above bounden..... hath been duly appointed by the supreme court to the office of clerk of the supreme court: Now, therefore, the condition of the above obligation is such, that if the said..... shall for the period of five years, if he shall so long continue in office, faithfully, truly, and impartially enter and record all orders, decrees, judgments, and proceedings of said supreme court, and shall faithfully and impartially perform all other duties of his said office, and shall pay over all moneys that may come into his hands as such clerk, and shall deliver over to his successor in office all the books, records, papers, seals, and other things belonging to said office, then the above obligation to be void, otherwise to remain in full force.

Approved May 2, 1883.

[No. 66.]

AN ACT relating to executions on judgments in courts of record.

When executions
from courts of
record, etc.,
returnable.

SECTION 1. *The People of the State of Michigan enact*, That any execution hereafter issued upon any judgment rendered by any court of record in this State, or upon any transcript of a justice's judgment filed in any circuit court, may be made returnable at any time not less than twenty nor more than ninety days from the time such execution shall be issued.

Approved May 2, 1883.

[No. 87.]

AN ACT to protect and preserve the Quinnesaug and Cheboygan-
ling State Lakes.

SECTION 1. *The People of the State of Michigan enact*, That no person shall run, row or use in or upon the State Lakes, known as the Quinnesaug and Cheboyganling State Lakes, situated in township thirteen (13) north of range six (6) east, Bay County, any logs, timber, poles, trees, posts, piles, and wood, brush, or other firewood, either then coming or to-be-hewn.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail, not exceeding three months, or by both such fine and imprisonment in the discretion of the court, together with costs of prosecution.

Approved March 17, 1888.

[No. 88.]

AN ACT to provide for laying out of a State road in the county of Grand Traverse.

SECTION 1. *The People of the State of Michigan enact*, That the governor be and he is hereby authorized, within twenty days after the passage of this act, to appoint a commissioner to lay out and establish a State road on the most eligible route, from the head of the west arm of Grand Traverse Bay, southwesterly through the towns of Garfield, Traverse, Blair, and Grant to the south line of Grand Traverse county.

SEC. 2. It shall be the duty of said commissioner, within three years after the passage of this act, to proceed to lay out and establish said road, as provided in section one (1), and cause the same to be surveyed, and a description thereof to be filed with the township clerk of the township through which said road shall be laid.

SEC. 3. The commissioner, appointed in accordance with the provisions of section one of this act, may make application to the circuit court for the county of Grand Traverse, at any regular term thereof, for the appointment of three commissioners, whose duty it shall be, when private property, is taken for said road, to ascertain the necessity of taking the same and appraise the damage therefor, if any is claimed, and the necessity of taking said property, and the damage therefor shall be certified to by said commissioners, and the certificates thereof shall be filed in the office of the township clerk of the township within which the land so taken and condemned shall lie.

SEC. 4. The said commissioner, provided for in section one of this act, shall receive two dollars per day, for each day necessarily employed in the performance of his duties under this act.

Compensation
of commissioners
appointed by
court.

SEC. 5. The commissioners appointed by section three of this act shall each receive the sum of two (2) dollars for each day they are necessarily employed in the performance of their duties.

Expense of lay-
ing out road.

SEC. 6. All expenses relating to the laying out of said road, including salaries of commissioners, and damages allowed to owners of property, shall be paid by the township through which said road shall run; each township paying all the expenses incurred in laying out and opening the road in that township, as also the right of way through said township.

Claims for
damages, etc.

SEC. 7. The claims for the damage for the right of way, as certified to by the commissioners mentioned in section three of this act, and all other expenses as they shall be ascertained, audited, and allowed by the township board of said township, shall be paid out of the general highway fund on the order of the supervisor and countersigned by the township clerk.

State not liable.

SEC. 8. The State shall not be liable for any expenses incurred, or damages sustained by reason of this act.

Road to be laid
out, etc., within
three years.

SEC. 9. No portion of said road shall be laid out or established after three years from the date of the passage of this act.

Duties of high-
way commission-
ers in reference
to.

SEC. 10. It shall be the duty of the commissioner of highways in any organized township, through which the said road may pass, to open and work the same, in the same manner, and by virtue of the same law, as township roads are required to be opened and worked.

Right of way
through State
lands.

SEC. 11. The right of way for said road is hereby granted through any lands belonging to the State of Michigan.

Ordered to take immediate effect.

Approved April 10, 1883.

[No. 69.]

AN ACT to provide for the laying out of a State road in the county of Leelanaw.

Appointment of
commissioner to
lay out road
authorized.

SECTION 1. *The People of the State of Michigan enact*, That the governor be and he is hereby authorized, within ninety days after the passage of this act, to appoint a commissioner to lay out and establish a State road on the most eligible route, from the head of the west arm of Grand Traverse bay to some point on lake Michigan, in township twenty-eight (28) north, range fifteen west, with a branch from some point on said road to Crapo [Carp] lake, and along the east shore of said lake to the narrows of said lake. Also, a branch from some point on the line of said road to Good Harbor, via Maple city.

Survey, etc.,
to be made
and filed.

SEC. 2. It shall be the duty of said commissioner, within three years after the passage of this act, to proceed to lay out and establish said road, as provided in section one of this act, and cause the same to be surveyed, and a description thereof to be filed with the township clerk of the town through which such road shall be laid.

Taking of
private property
for use of road.

SEC. 3. The commissioner, appointed in accordance with the provisions of section one of this act, may make application to the

circuit court for the county of Leelanaw, at any regular term thereof, for the appointment of three commissioners, whose duty it shall be, when private property is taken for said road, to ascertain the necessity of taking the same, and appraise the damage therefor, if any is claimed; and the necessity of taking said property, and the damage therefor, shall be certified to by said commissioners, and the certificates thereof shall be filed in the office of the township clerk, of the township within which the land so taken and condemned shall lie.

SEC. 4. The said commissioner provided for in section one of this act shall receive two dollars per day for each day necessarily employed in the performance of his duties under this act. Compensation of commissioner.

SEC. 5. The commissioners, appointed by section three of this act, shall each receive the sum of two dollars for each day they are necessarily employed in the performance of their duties. Compensation of commissioners appointed by court.

SEC. 6. All expenses relating to the laying out of said roads, including salaries of commissioners, and damages allowed to owners of property, shall be paid by the township through which said road shall run, each township paying all the expenses incurred in laying out and opening the road in that township, and paying for rights of way through said township. Expense of laying out of road how paid.

SEC. 7. The claims for the damages for the right of way as certified to by the commissioners mentioned in section three of this act, and all other expenses as they shall be ascertained, audited, and allowed by the township board of said township, shall be paid out of the general highway fund on the order of the supervisor and countersigned by the township clerk. Claims for damages, etc.

SEC. 8. The State shall not be liable for any expenses incurred or sustained by reason of this act. State not liable.

SEC. 9. No portion of said road shall be laid out or established after three years from the date of the passage of this act. Road to be laid out, etc., within three years.

SEC. 10. It shall be the duty of the commissioner of highways in any organized township through which the said roads may pass, to open and work the same in the same manner and by virtue of the same law as township roads are required to be opened and worked. Duties of highway commissioners in reference to.

SEC. 11. The right of way for said roads is hereby granted through any lands belonging to the State of Michigan. Right of way through State lands.

Ordered to take immediate effect.

Approved April 10, 1883.

[No. 70.]

AN ACT to amend section one, act number seventy-five, session laws of eighteen hundred and eighty-one, relative to a change of route on the Little Traverse and Mackinaw State road.

SECTION 1. *The People of the State of Michigan enact, That* section one of act number seventy-five, session laws of eighteen hundred and eighty-one, entitled "An act to authorize and empower the board of control of State swamp lands to make an appropriation Section amended.

of State swamp lands for the drainage and reclamation of certain lands by the construction of a State road from Little Traverse, in Emmet county to Mackinaw city, in Emmet and Cheboygan counties," be and the same is hereby amended to read as follows:

Appropriation
of State swamp
land authorized.

Where road
to run.

Appropriation
not to be in-
creased, etc.

SECTION. 1. *The People of the State of Michigan enact*, That the board of control of State swamp lands are authorized and empowered, if by them deemed expedient and to the interest of the State, and especially to the section of the country thereby to be benefited by drainage and reclamation, and otherwise to appropriate not to exceed one and one-half sections of State swamp land per mile, for the construction of a State road, commencing at or near the southwest corner of section seven, in township thirty-five north, of range five west, thence running north as may be found practicable, to the southwest corner of township thirty-seven north, of range five west, thence east three miles, thence north to intersect with the Cross village and Cheboygan State road at the northwest corner of section three in said township thirty-seven north, thence east along said Cross village and Cheboygan State road two miles, to a point between sections one and two, in township thirty-seven north, of range five west, and sections thirty five and thirty-six, of township thirty-eight north, of range five west, thence running two miles and one hundred and twenty rods north, thence northwest to the quarter line of section twenty-three in said township thirty-eight, thence north to the center of section fourteen in said township thirty-eight, thence east one-half mile, thence north to the north line of section twelve, in said township thirty-eight north, of range five west, thence east to Carp river, thence north to Colburn's mill, thence by the most feasible and direct route to Mackinaw City. Nothing in this amendment shall add to the amount of the appropriation by reason of the change of route.

Approved May 3, 1883.

[No. 71.]

AN ACT to punish persons guilty of assault with intent to do great bodily harm.

Punishment for
assault with
intent to do
great bodily
harm.

SECTION 1. *The People of the State of Michigan enact*, That any person who shall assault another with intent to do great bodily harm, less than the crime of murder, shall be punished by imprisonment in the State prison, not more than ten years, or by fine not exceeding eight hundred dollars, or by both, in the discretion of the court.

Approved May 3, 1883.

[No. 72.]

AN ACT relating to telephone companies, and to regulate the use and rental of telephones in this State.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of every telephone company, or person, firm, or

corporation, engaged in the business of leasing telephones to the public, or supplying the public with telephones, and telephonic service, or operating a telephone exchange, to receive and transmit, without discrimination, messages from and for any other company, person or persons, upon payment or tender of the usual or customary charges therefor, and upon payment or tender of the usual or customary charges, or usual or customary rental sum, it shall be the duty of every telephone company, or person or persons, firm or corporation, engaged in the business of leasing telephones to the public, or supplying the public with telephones and telephonic service, or operating a telephone exchange, to furnish without unreasonable delay, without discrimination, and without any further or additional charge to the person, firm, or corporation applying for the same, including all telegraph companies, a telephone, or telephones, with all the proper or necessary wires and fixtures, and the use of such telephones, wires, and fixtures, as well as connection with the central office, or telephone exchange, if desired, and shall connect the telephone of such person, firm, or corporation, with the telephone of any other person, firm, or corporation having connection with the same, or a connecting exchange, or central office, whenever requested so to do, without regard to the character of the message to be transmitted, provided they are not obscene nor profane; and every company, person, firm, or corporation, neglecting or refusing to comply with any of the provisions of this act, shall forfeit all right to transact a telephone business in this State, and may be enjoined therefrom, and from leasing telephones to the public, from supplying the public with telephones and telephonic service, and from operating a telephone exchange, by bill of complaint filed in any court of competent jurisdiction, by any person, firm, or corporation, injured, interested, or denied any of the rights herein given; or such person, firm, or corporation, neglecting or refusing to comply with any of the provisions of this act, shall forfeit not less than twenty-five nor more than one hundred dollars, for each and every day such neglect or refusal shall continue, one-half to the use of the person, firm, or corporation prosecuting therefor.

Telephone companies to receive and transmit messages, etc.

To furnish telephones, wires, fixtures, etc., and connection with central office, etc.

Neglect or refusal of companies, how punished.

Proceedings in court.

Forfeitures.

Approved May 3, 1883.

[No. 73.]

AN ACT to provide for enforcing the specific performance of option contracts for mining leases or licenses of lands in this State.

SECTION 1. *The People of the State of Michigan enact*, That any person now or hereafter holding a mining option or agreement for a mining lease, or license, to explore or mine on lands in this State, containing a clause allowing the lessee, his personal representatives or assigns, to surrender such lease or license at any time before the expiration of the term thereof, by giving notice, shall have an absolute right to have such option or agreement spe-

Enforcing specific performance of option contracts for mining, etc., in circuit courts.

cifically enforced in the circuit court in chancery, of the county where the whole or any portion of such lands are situated, if not in default himself, and in such case the court shall have full power to compel the person giving such option, his heirs or assigns, to execute a lease or license according to the terms thereof; and such court shall have the usual powers to enforce its decree as in other cases.

Idem.

SEC. 2. Any person, now or hereafter holding an agreement for an interest in any mining lease or license from the lessee, shall have an absolute right to have the same specifically enforced in chancery, if not in default himself.

Either party entitled to jury, etc.

SEC. 3. Either party to a suit, commenced under the provisions of this act, shall be entitled to a jury and to an examination of all the witnesses in open court as in a suit at law, and the verdict of such jury shall have the same force and effect as the verdict of a jury in any other suit in chancery, and the court shall have full power to frame a proper issue or issues to be submitted to such jury. Either party may appeal to the supreme court, as in other chancery cases, and the supreme court shall have full power to review the evidence and render such decrees as may seem just, or affirm, reverse, or modify the decree of the court below as in other chancery cases. Either party shall be entitled to make and settle a case, setting forth all the evidence introduced on the trial of the issue, the same as in other chancery cases.

Appeals to supreme court.

Assignment of leases, etc.

SEC. 4. All mining options, leases, and licenses shall be assignable and may be enforced by the executors, administrators, personal representatives, or assigns of the party or parties whether such options contain words of assignability or not. Such contracts, leases, and licenses shall survive, and shall not be terminated by the death of either or any of the parties thereto.

Approved May 3, 1883.

[No. 74.]

AN ACT to amend section four of act number nine of the session laws of eighteen hundred and seventy-seven, entitled "An act to authorize the appointment of a commissioner of mineral statistics, and defining the duties and compensation of the same."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of act number nine of the session laws of eighteen hundred and seventy-seven, entitled "An act to authorize the appointment of a commissioner of mineral statistics, and defining the duties and compensation of the same," be amended so as to read as follows:

Annual appropriation.

SEC. 4. That an annual appropriation of two thousand five hundred dollars, to be paid to such commissioner in quarterly installments, be made, which sum shall cover the compensation and expenses of said commissioner, and for all surveys and explorations made by him or under his directions; and also include the cost of

publication, under his direction and control, of one thousand copies of his report. Such commissioner shall have the right to publish and sell as many copies of his report in excess of such one thousand copies as he may elect, but without cost to the State: *Provided*, That nothing herein contained shall interfere with the publishing by the State of the report of such commissioner for the year eighteen hundred and eighty-two.

Publication
of report.

Proviso.

This act is ordered to take immediate effect.

Approved May 3, 1883.

[No. 75.]

AN ACT to provide for the purchase and distribution of volumes containing the general laws of this State, with digest of court decisions thereon.

SECTION 1. *The People of the State of Michigan enact*, That the secretary of State be and he is hereby directed to purchase for the use of the State, and for the use of the various State, county, and township officers, such number of copies of the work entitled "the general statutes of the State of Michigan, in force, including the acts of the extra session of eighteen hundred and eighty-two, with notes and digest of the decisions of the supreme court relating thereto," compiled and annotated by Andrew Howell, as may be required for the use of the State, and for the supply of and distribution to the officers and others to whom the "public acts" of each session of the legislature are supplied and distributed under and by the present existing provisions of law: *Provided*, That such work shall be furnished to the State in two volumes, bound in full sheep binding, printed on good paper and in clear type; the size of page, type used, quality of paper, material, and binding, and the execution of the work to be equal in all respects to the sample of volume one of said work now in the State library. Said work to be delivered during the present year, properly packed for shipment at Lansing or Detroit as the secretary of State shall direct, and the same shall be paid for by the State when so delivered.

Secretary of
State to purchase
 requisite number
 of copies of
 Howell compila-
 tion, etc.

Proviso.

SEC. 2. The books or volumes of said work, when received by the secretary of State, shall be distributed by him to the officers and others to whom the "public acts," of the legislature are supplied and distributed as hereinbefore mentioned, under and in accordance with the laws now regulating the distribution of said "public acts."

Distribution of,

SEC. 3. The price to be paid by the State for all copies of said work, which now or hereafter may be needed, shall be two dollars and fifty cents per volume, to be paid to the publisher or publishers of said work by the State treasurer, on the warrant of the auditor general, out of any moneys in the State treasury not otherwise appropriated, the account thereof to be first certified to by the said secretary of State.

Price to be paid
and payment for.

To be kept on
sale at Lansing
for ten years.

SEC. 4. From and after the date when the said work entitled the general statutes of the State of Michigan, as specified in section one of this act, shall be ready for distribution and sale, the publishers thereof shall keep the same on sale in the city of Lansing for a term of ten years, and sell the same to the citizens of this State, at a price not exceeding three dollars and fifty cents (\$3.50) per volume.

Price.

Bond to be
given to State.

SEC. 5. Within thirty days after the passage and approval of this act, security in the sum of five thousand dollars (\$5,000.00) shall be given to the State, in such form as the board of State auditors shall direct, and with at least two sufficient sureties, to be approved by said board, conditioned for the due publication of said general statutes of the State of Michigan, and the delivery of the copies thereof to the secretary of State, and the keeping of the same on sale in the city of Lansing, in accordance with the provisions of this act prescribed.

Ordered to take immediate effect.

Approved May 4, 1883.

[No. 76.]

AN ACT to provide for the incorporation of the grand temple of honor of the State of Michigan, and any subordinate "temple of honor" of the order of "templars of honor and temperance" in the State of Michigan.

Incorporation
authorized.

SECTION 1. *The People of the State of Michigan enact*, That the grand temple of honor of the State of Michigan of "templars of honor and temperance" that now is or may hereafter be duly organized within this State, under and pursuant to the provisions of the constitution and laws of the "supreme council" of the order of "templars of honor and temperance" may become a body corporate and politic in the manner following:

Incorporation
to be voted upon.

First, At some regular session of such grand temple, held under and pursuant to the constitution and laws thereof, a resolution shall be put to vote of the members thereof, expressing the desire and determination of said grand temple to be incorporated, and directing the officers thereof to perfect such incorporation, and if such resolution receive a majority vote of the members present, it shall be declared passed, otherwise lost;

Articles of
association,
preparation,
and contents of.

Second, On such resolution being so passed, the grand templar and grand recorder shall prepare articles of association under their hands and the seal of the said grand temple, setting forth the number of persons then in good standing under the jurisdiction of said grand temple desiring incorporation; the name by which the grand temple is known, the date of its organization, a copy of the resolution mentioned in the first subdivision of this act; the corporate name by which the grand temple shall be known in the law; the place where the grand temple shall hold its general office; the object and purpose of the association, together with a

copy of the constitution, laws, and by-laws of the grand temple, which shall in no way conflict with or be inconsistent with the objects and purpose of the "supreme council" of the order of "templars of honor and temperance," as stated in its constitution, laws, and by-laws, and the period for which it is incorporated, not exceeding thirty years;

Third. A certified copy of such articles of association, with all the papers mentioned in the second subdivision of this act, shall be filed in the office of the secretary of State, and shall be recorded, together with the affidavit hereafter mentioned by such secretary, in a book to be kept by him for that purpose;

Filing articles of association.

Fourth. The grand templar and grand recorder executing such articles of association, shall make and annex thereto, before filing, an affidavit stating that they are respectively members of and occupying the official positions above named in said grand temple. That the resolution, a copy of which is set forth in the articles of association, was duly passed at a meeting of said grand temple held pursuant to the provisions of the constitution of such grand temple, and received a majority vote of all the members present; that all the statements in said articles of association are true to the best of their knowledge and belief; and that said grand temple was legally organized, and is acting under a constitution duly approved by the supreme council of the order of "templars of honor and temperance."

Affidavit to be annexed to articles.

SEC. 2. When all the foregoing requirements are completed, the grand temple of honor, of the order of templars of honor and temperance of the State of Michigan, shall be a body corporate and politic, by the name expressed in such articles of association, and by that name shall be a person, in the law, capable of suing and being sued, with full power and authority to transact the business of said association, pursuant to the edicts of the said supreme council, and the constitution, laws, and by-laws legally adopted, certified and filed in the office of secretary of State of this association, and a copy of said articles of association and affidavit, duly certified by the secretary of State, shall be *prima facie* evidence in all the courts of this State of the existence and incorporation of said grand temple of honor of the State of Michigan.

When to be body corporate and politic.

SEC. 3. Whenever any subordinate temple of honor, of the order of templars of honor and temperance, shall be chartered by the grand temple of honor of the State of Michigan, or has heretofore been chartered by the grand temple or supreme council, the said subordinate temple may become incorporated, by passing a like resolution, as provided in section one of this act, executing the articles of association under the hands of its worthy chief templar and worthy recorder, and seal of such subordinate temple, containing like statements as to its constitution, laws, and by-laws as those required in the articles of association of the grand temple of honor of the order of "templars of honor and temperance of Michigan," with a like affidavit annexed, executed by the officers above named in this section, and filing the same with the county clerk of the county in which such corporation shall be formed, and

Incorporation of subordinate temples of honor.

causing the same, with the affidavit annexed, to be recorded by such clerk, in a book to be kept by him for that purpose, and a copy thereof, certified by him, shall have the same effect, as evidence, as provided for in section two of this act for the grand temple of honor.

May take and
hold property.

SEC. 4. Every corporation, formed pursuant to this act, may take and hold personal and real property, so far as may be necessary for the proper purposes of the organization, not exceeding one hundred thousand dollars in amount, and convey, and dispose of, and deal with the same as it may, under its constitution, laws, and by-laws, from time to time determine by a majority vote of the members present and voting thereon.

Management,
control, etc.,
of property.

SEC. 5. The management, direction, and control of the property and business of such corporation shall be vested in such of its officers, as the constitution and laws of the grand temple or supreme council may direct. But when no special rule exists, then as a majority of the members present and acting thereon shall from time to time determine.

This act is ordered to take immediate effect.

Approved May 5, 1883.

[No. 77.]

AN ACT to amend sections one, three, and five of an act entitled "An act to provide for the incorporation of institutions of learning," approved February nine, eighteen hundred and fifty-five, being consecutive sections numbered three thousand one hundred and thirty-four, three thousand one hundred and thirty-six, and three thousand one hundred and thirty-eight, of the compiled laws of eighteen hundred and seventy-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, three, and five of an act entitled "An act to provide for the incorporation of institutions of learning," approved February nine, eighteen hundred and fifty-five, being consecutive sections numbered three thousand one hundred and thirty-four, three thousand one hundred and thirty-six, and three thousand one hundred and thirty-eight, of the compiled laws of eighteen hundred and seventy-one, be, and are hereby amended so as to read as follows:

Incorporation
authorized.

(3134.) SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than five, may become a corporation for the purpose of founding and establishing a college, seminary, academy, or other institution of learning, by complying with the provisions of this act. When stock, legacies, bequests, or donations to the amount of fifty thousand dollars for any such college, or five thousand dollars for any such seminary, academy, or other institution of learning, so intended to be founded and established, shall have been or may hereafter be in good faith subscribed or given, and fifty per cent thereon actually paid in, as herein required, such persons may elect trustees for such college, seminary, academy, or other institutions of learning; and thereupon said

Subscription of
capital stock.

trustees shall severally subscribe articles of association, in which shall be set forth the name, character, and object of the corporation, the amount of capital stock so subscribed, bequeathed, donated, or given, and the amount paid in, the names and places of residence of the trustees, the length of time they shall continue in office—not to exceed thirty years—the manner in which their successors shall be elected, who shall not be less than five nor more than thirty-five, and the place where such college or other institution shall be located. Said articles of association, when subscribed as aforesaid, shall be filed in the office of the secretary of State; but such articles shall not be filed until there is annexed thereto an affidavit, made by at least three of such trustees from which it shall be proven, to the satisfaction of the secretary of State, who shall attach his certificate thereof to said articles, that the amount of stock required by this section has been in good faith subscribed, and that fifty per cent in money thereon has been paid in, and thereupon the persons who have subscribed said articles, with such other persons as may from time to time become donors to such institution, or, if such articles of association so declare, the trustees elected, as herein provided, shall be a body corporate and politic, capable of suing and being sued, and may have a common seal, which they may make and alter at pleasure, and be capable in law of receiving by gift, subscription, bequest, will, donation, or devise, and of purchasing, holding, and conveying any real estate or personal property whatsoever, for the purpose of founding, establishing, and conducting any such college, seminary, academy, or other institution of learning: *Provided, however,* That if at any time after filing such articles of associations, it shall be made to appear that the amount of stock required by this section shall not have been in good faith subscribed and paid in, or that any part thereof has been withdrawn and is not held by such corporation, such facts shall constitute good grounds for proceedings to forfeit such charter, and to dissolve such corporation. And a majority of said trustees or their successors may alter or amend said articles of association, such alteration or amendment not being inconsistent with the foregoing provisions of this section; but in case of alteration or amendment they shall, within twenty days thereafter, file a copy of such amendment, duly certified by said trustees, with the secretary of State.

Articles of association what to set forth.

Where to be filed.

Affidavit to be annexed.

Certificate of secretary of state.

Body corporate and politic.

Provided.

Amendment of articles of association.

(3136.) SEC. 3. The trustees of any college incorporated under the provision of this act, besides the general powers and privileges of a corporation, shall have power:

General powers and privileges of trustees of colleges under this act.

First, To elect their own chairman or clerk;

Second, Upon the death, resignation, or other vacancy in the office of any trustee, to elect another in his place;

Third, To declare vacant the seat of any trustee who shall absent himself from five successive meetings of the board;

Fourth, To take and hold, by gift, grant, or devise, any real or personal property, the annual income or revenue of which shall not exceed twenty-five thousand dollars;

Fifth, To sell, mortgage, let, or otherwise use such property, in

such manner as they shall deem most conducive to the educational interests of such corporation;

Sixth, To direct and prescribe the course of study and discipline, to be observed in the college, seminary, or academy: *Provided*, That no religious test whatever shall be required of any pupil in such institution;

Seventh, To appoint a president, professors, tutors, and such other officers and agents as they may deem necessary, who shall hold their offices during the pleasure of the trustees.

Eighth, To grant such literary honors as are usually granted by any such college, or similar institutions, in the United States, and in testimony thereof, to give suitable diplomas, under their seal and the signatures of such officers of the institution as they may deem expedient: *Provided*, That the course of study pursued in such college be in all respects, as thorough and comprehensive as is usually pursued in similar institutions in the United States, and that no such literary honors, or diplomas shall be granted, given, or conferred, unless candidates therefor shall have pursued such course of study for at least two years;

Ninth, To ascertain and fix the salaries of the president, professors, and other officers and agents;

Tenth, And to make all ordinances and by-laws necessary and proper to carry into effect the foregoing powers.

Additional
powers of
trustees of
academies, etc.,
under this act.

(3138.) SEC. 5. The trustees of any academy, seminary, or other institution of learning, incorporated under the provisions of this act, besides the general powers and privileges of a corporation, shall have power:

First, To take and hold by gift, grant, subscription, bequest, or devise any property, personal or real, the annual income or revenue of which shall not exceed four thousand dollars;

Second, To sell, mortgage, let, or otherwise use and dispose of such property for the benefit of such academy;

Third, To direct and prescribe the course of study and discipline in such academy;

Fourth, To appoint a treasurer, clerk, principal, and such other officers and agents as they shall deem necessary, who shall hold their offices during the the pleasure of the trustees;

Fifth, To ascertain and fix the salaries of all the officers of the academy;

Sixth, To make all ordinances and by-laws necessary to carry into effect the foregoing powers.

This act is ordered to take immediate effect.

Approved May 10, 1883.

[No. 78.]

AN ACT to authorize the incorporation of manufacturers' mutual fire insurance companies.

Incorporation
authorized.

SECTION 1. *The People of the State of Michigan enact*, That any number of owners or operators of mills, factories, buildings, or

machinery used for manufacturing purposes, who are residents of this State, not less than ten in number, may associate together, and form an incorporated company, for the purpose of mutual insurance of the property of its members against loss or damage by fire, or lightning; which property to be insured shall consist of mills, factories, elevators, warehouses, the fixtures, tools, machinery, engines, and implements therein, and the lumber yards, raw material, and manufactured products, stock, and other property, forming a part of such manufacturing property, belonging to such members.

SEC. 2. Such persons, so associating, shall file in the office of the commissioner of insurance, a statement signed by all the incorporators, setting forth their purpose of forming a corporation for the transaction of the business of mutual insurance, in accordance with the provisions of this act, the name by which the corporation shall be known, the town, or city, which shall be within the State, in which the principal office of said corporation is to be located, and a copy of the articles of association proposed to be adopted. Notice of the intention to form such corporation shall be published once in each week for at least five successive weeks, in a public newspaper published in the county where the principal office of said corporation is proposed to be located. Affidavits of the publication of such notices, by the printer of the newspaper in which the same has been published, or of some one in his employ, knowing of such publication, may be filed in the office of the commissioner of insurance, and shall be evidence of the facts therein stated.

Statement to be filed in office of commissioner of insurance.

Notice of intention.

Affidavits of publication, etc.

SEC. 3. The persons so associating, after having filed the statement, and published the notice as aforesaid, may open books to receive propositions, and enter into agreements in manner hereinafter specified, and in accordance with the articles of association of said corporation: *Provided, however,* That insurance companies, organized as aforesaid, shall not commence business until such company shall be possessed of not less than sixty thousand dollars, in premiums, upon which not less than nine thousand dollars shall have been paid in cash, and the remainder in notes or agreements, of solvent parties, founded on actual and bona fide applications for insurance. Such notes or agreements may be for any amount deemed adequate by the directors of such company, but in no event shall any note taken by such company, whether prior, or subsequent to its organization, be for more than ten times the actual cash premium, or payment collected thereon; nor shall any such company at any time expose itself to loss by any one fire in excess of five per cent of the face of all the deposit and premium notes or agreements, in force, held by such company. All policies issued by any such company, shall be for an uniform period, not to be less than one year, to be set forth in their articles of incorporation.

Opening of books, etc.

Proviso in reference to commencing business.

SEC. 4. The companies formed under this act shall not purchase or hold any real estate, except,

First, Such as shall be necessary for their immediate accommodation; or

Companies not to purchase or hold real estate except in certain cases.

Second, Such as shall have been conveyed, or mortgaged to the companies, in good faith, by way of security for debt; or

Third, Such as shall have been conveyed to the companies in satisfaction for debts; or

Fourth, Such as shall have been purchased at sales upon judgment, decrees, or mortgages, in favor of said companies, or held, or owned by them, and all real estate obtained by virtue of any provisions of this section, except that mentioned in the first subdivision, shall be sold, or disposed of, within five years after the title has been perfected in any such company, unless the company shall procure a certificate from the commissioner of insurance that the interest of said company will materially suffer by forced sale, in which event, the sale may be postponed for such period as the said commissioner of insurance shall direct, in said certificate, not exceeding ten years in all.

Articles of
association to
be filed, etc.

SEC. 5. It shall be the duty of the incorporators of any company organized under the provisions of this act, to declare in its articles of association, which is hereby required to be filed with, and approved by the commissioner of insurance, the mode and manner in which the corporate powers, given under and by virtue of this act, are to be exercised, the mode and manner of choosing officers, trustees, or directors, who shall each, and all of them, be residents of this State, the filling of vacancies, the period for the commencement and termination of its fiscal year, and shall prescribe the liabilities of the members to be assessed towards defraying the losses and expenses of such companies, and the mode and manner of collecting such assessments, and the members shall be liable to assessments for all liabilities to the company, to the extent declared in the articles of association.

Articles of
association to be
examined by
attorney
general, etc.

SEC. 6. The articles of association thus to be filed by any such corporation shall be examined by the attorney general, and if found to be in accordance with the requirements of this act, he shall certify the same to the commissioner of insurance, and said commissioner, in person, or by his deputy, or by the appointment of some disinterested person for that purpose, shall, if he approve the articles of association, examine and certify under oath, that any such company has received and is in actual possession of the premiums or engagements of insurance, as the case may be, to the full extent required by this act. Copies of such certificate shall be filed in the office of the commissioner of insurance, whose duty it shall then be to furnish the corporation with a certified copy of the charter and of the certificates aforesaid, which, upon being filed by them in the county clerk's office, of the county in which the office of any such company is located, shall be their authority to commence business, and to issue policies of insurance, and the same may be used in evidence for or against said corporation. And suits may be brought against any such company in any county in this State, in which it shall do business or take risks in which the plaintiff resides, or in the county where the principal office of the company is located.

Copies of
certificate to
be filed.

Where suits
against may
be brought.

SEC. 7. The corporators, trustees, or directors, as the case may be, of any company organized under this act, shall have power to make such by-laws not inconsistent with the constitution or laws of this State as may be deemed necessary for the government of its officers and members and the conduct of its affairs.

By-laws.

SEC. 8. Any company, formed under this act, shall be deemed a body corporate and politic, in fact and in name, and shall be subject to all the provisions of the statute in relation to corporations so far as they are applicable.

Deemed a body politic and corporate.

SEC. 9. Any such company, formed under this act, shall have power to amend its articles of association at the regular annual meeting held according to the provisions of said articles of association, and upon giving notice of such intention by printed circular, or postal card, or letter, to be addressed and sent by mail at least three weeks previous to such meeting, to all the members, officers, trustees, and directors of such company. Said amendments so had shall be submitted to the attorney general and his certificate of compliance with the law obtained and a copy of said amendments with said certificate shall be filed in the office of the commissioner of insurance, and if he approve of such amendments shall make a certified copy thereof and deliver the same to the company, which, upon being filed with the county clerk of the county in which the office of such company is located, shall become operative.

Amendment of articles of association.

Amendments to be approved, etc., by attorney general.

SEC. 10. Suits at law may be maintained by corporations formed under this act against any of its members for any cause relating to the business of such corporation; also, suit at law may be prosecuted and maintained by any member, against such corporations, for claims which may have accrued, if payments are withheld more than sixty days after such claims shall have become due. The articles of association and by-laws of any such company, organized under the provisions of this act, may provide for the receiving of applications or agreements from its members for insurance, with or without taking from the insured any premium note or notes, and it shall be lawful for such mutual insurance companies to make assessments upon such agreements or policies issued thereon, or upon the premium note or notes as the case may be, *pro rata*, according to the amount of such agreement on policies or premium note or notes, for the payment of the losses and expenses incurred by such companies; and all such premium notes or agreements or assessments shall be a lien upon the property insured to the amount of such note, notes, agreements, assessments, costs, and interest due thereon.

Suits at law.

Articles of association and by-laws may provide for receiving applications or agreements, etc.

SEC. 11. It shall be the duty of the president, or vice president, and secretary of any such company, organized under this act, annually on the first day of January, or within one month thereafter, to prepare under their own oath, and deposit in the office of the commissioner of insurance, a statement of the condition of such company, on the thirty-first day of December then next preceding, exhibiting the following facts and items, namely:

Annual statement to be deposited in office of commissioner of insurance.

First, The number of members belonging to the company, the number of members added during the year, the number of mem-

What statement to contain.

bers who have withdrawn or whose policies have been canceled during the year;

Second, The amount of property at risk, December thirty-first of the previous year, the amount of risks added during the year, the amount of risks canceled, withdrawn, or terminated during the year, and the net amount at risk by the company;

Third, The amount of premium, or deposit notes, or agreements in force, the amount of cash premiums, or assessments actually on hand, the amount of outstanding assessments not canceled, the nature and amount of all other resources;

Fourth, The claims for losses due and payable, the claims for losses not matured, the claims for losses resisted, the nature and amount of all other claims due or accrued, and the total amount of liabilities;

Fifth, The amount of premiums on deposit, notes taken during the year, the amount of cash premiums received during the year, the amount collected of assessments which were levied during the year, the amount collected on assessments which were levied in prior years; the amount received from membership or policy fees, or from any other sources, constituting an expense to the insured, the amount received from per centage, on increased or decreased insurance, the income from all other sources, and the total income;

Sixth, The amount paid for losses during the year, stating the amount of same which was for losses of previous years, the amount of salary and fees paid to officers and directors, the amount of all other expenditures during the year, and the total expenditures during the year;

Seventh, The commissioner of insurance may, from time to time, make any change in the form of annual reports to be made by such companies, to elicit further information regarding the condition of the company.

Publication
of statement.

To be filed in
office of county
clerk.

Statement and
affidavit to be
filed in office
of commissioner
of insurance.

Commissioner
may order
suspension of
business in
certain cases.

SEC. 12. A copy of every such sworn statement, and report, shall, in said month of January, be published at least twice in said month, in a newspaper published in the county where the business office of the company is located; also, a copy of such sworn statement shall be filed in the office of the county clerk of such county where the office of the company is located; also a copy of such sworn statement, with an additional affidavit, showing that the same has been published, and that the same has been filed in the office of the county clerk, as herein provided, shall be filed in the office of the commissioner of insurance; and, if upon examination of such annual statement, or of the affairs of the company, it shall appear to the commissioner of insurance, that the losses and expenses of any company organized under this act, have, during the year, exceeded the cash premiums, and assessments collected, to such an extent as to imply a doubt in the mind of said commissioner of insurance as to the solvency of said company, and its ability to pay all its losses and other debts, it shall be the duty of said commissioner of insurance, to notify the officers of said company to, at the end of sixty days from the date of such notice, discontinue the issuing of policies, and to suspend its business until such time

as that the officers and directors of said company shall collect assessments, and pay such losses and debts, and satisfy said commissioner of insurance of the solvency of such company.

SEC. 13. In case the officers or directors of such company shall neglect or refuse to perform any of the duties required of them by this act, or shall knowingly make, or permit to be made any false or imperfect statement, in any annual or other report required to be made by them, or shall knowingly aid in, or formally consent to any violation of any of the provisions of this act, then in such case, every such director, officer, or person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to punishment by fine, not exceeding five hundred dollars, or to imprisonment, not exceeding one year, and in case such neglect or refusal on the part of such officers or directors to conform to and be guided by the requirements of this act, is known to the commissioner of insurance, it shall be his duty to notify the prosecuting attorney of the county where the office of such company is located, whose duty it shall then be to commence legal proceedings against such officers or directors, to enforce the penalty hereby imposed.

In case of neglect or refusal of officers, etc., to comply with provisions of this act.

SEC. 14. The books of any such company shall be open to the examination of all the officers, and of the members at any time, also to the inspection of the commissioner of insurance in person, or by deputy, whenever he may deem an examination necessary.

Books of company to be open to inspection, etc.

SEC. 15. In case of insolvency, neglect to, or refusal of any such company to meet its liabilities, and discharge all outstanding claims against such company, the commissioner of insurance may, in person or by counsel, appear in the circuit court of the county where the office of such company is located, and move for the appointment of a receiver for said company, and the company may also be heard upon such motion, and if it shall appear to the satisfaction of the court, that the affairs of the company are in such condition that such motion for the appointment of a receiver should be granted, the said court shall then and there appoint a receiver for such company, who shall be empowered to take possession of said books, papers, moneys, and personal property of such company, and shall at once proceed to the collection of funds and the liquidation of the liabilities of such company, in accordance with the provisions of this act, and in conformity to the charter and by-laws of such company. Such receiver shall keep an accurate account of all moneys or other property received by him; he shall pay over all moneys, by him collected, and the proceeds of all personal property *pro rata* upon the liabilities of the company, retaining therefrom such an amount, for his services and expenses, as the court may deem reasonable. He may sue for and recover any legal assessment made upon the policy holders, or members of the company, and he shall use due diligence in the settlement of the affairs of the company, and make his final report to the court making the appointment, from whence he shall get his formal discharge.

Appointment of receiver.

Duties and powers of receiver when appointed.

SEC. 16. Any insurance company, organized under this act, may

When business
may be done.

insure property of the kind described in section one thereof, situated in any county of this State, and in other States of the Union.

This act is ordered to take immediate effect.

Approved May 10, 1883.

[No. 79.]

AN ACT to provide for the incorporation of associations for the purpose of establishing and sustaining churches, religious societies, and Sabbath schools.

Incorporation
authorised.

SECTION 1. *The People of the State of Michigan enact*, That any seven or more persons, of full age, who shall associate for the purpose of establishing churches, religious societies, and Sabbath schools, and providing for the support thereof, may form themselves into a corporation under such name as they shall adopt in their articles of association.

Articles of
association.

SEC. 2. The articles of association shall be executed in duplicate, by the persons so associating themselves together, and shall be acknowledged by them before some person authorized by the laws of this State to take acknowledgment of deeds, one of which duplicates shall be filed and recorded in the office of the secretary of State, and a record shall be made of such articles, or a certified copy thereof, in the clerk's office of the county in which the original incorporators, or a majority thereof, reside, and thereupon the persons so executing said articles, and such persons as may thereafter, according to the provisions of such articles, become associated with them, shall become and be a body corporate, for the purposes set forth in such articles.

What articles of
association
shall contain.

SEC. 3. The articles of association shall contain :

First, The names and places of residence of the persons associating in the first instance ;

Second, The name of the corporation, and the period for which it is incorporated, not exceeding thirty years ;

Third, The objects for which it was organized ;

Fourth, The qualifications of members, and the manner in which persons may thereafter become members of such corporation.

General law
governing.

SEC. 4. Such corporation shall have all the privileges, and be subject to all the duties of a corporation, according to chapter fifty-five, of the revised statutes of eighteen hundred and forty-six, so far as the same shall be applicable, and not inconsistent with the provisions of this act, and may hold and possess real and personal property, but the value of the real property held thereby shall not exceed fifty thousand dollars, and the property thereof shall not be used for any purpose other than the legitimate business of the association, as provided in its articles of association.

This act is ordered to take immediate effect.

Approved May 10, 1883.

[No. 80.]

AN ACT to amend sections four, and fourteen, of an act entitled "An act to authorize the formation of companies for the running, booming, and rafting logs, being compiler's sections two thousand seven hundred and seventy-eight (2778), and two thousand seven hundred and eighty-eight, of chapter eighty-eight of the compiled laws of one thousand eight hundred and seventy-one, as amended by act number twenty-two of [the] session laws of eighteen hundred and seventy-three, as amended by act number thirty-five of the session laws of eighteen hundred and seventy-five, as amended by act number two hundred of the session laws of eighteen hundred and eighty-one, and to add to said chapter a new section, to stand as section twenty-one."

SECTION 1. *The People of the State of Michigan enact, That* section four, of chapter eighty-eight, being compiler's section two thousand seven hundred and seventy-eight, of the compiled laws of eighteen hundred and seventy-one, and section fourteen of said chapter, being compiler's section two thousand seven hundred and eighty-eight, of the said compiled laws, as amended by act number twenty-two of the session laws of eighteen hundred and seventy-three, by act number thirty-five of the session laws of eighteen hundred and seventy-five, and act number two hundred of the session laws of eighteen hundred and eighty-one, be and the same are hereby amended, and that there be a new section added to said chapter, to stand as section twenty-one, so as to read as follows:

Section amended
and new section
added.

SEC. 4. The president and secretary of every such corporation shall annually, in the month of January, make a report, duly verified, by the oath of the officer signing the same, and containing:

Annual report
of president
and secretary,
what to contain.

First, The amount of capital stock of the corporation actually paid in;

Second, The amount invested in real and personal estate;

Third, The amount of debts and credits, of the corporation, and the present value of its real and personal estate, as near as may be;

Fourth, The total amount of receipts, from all sources, and expenditures, for all purposes, of the corporation, for the preceding year;

Fifth, The amount of dividends declared and paid to stockholders, on the business of such preceding year;

Sixth, The surplus remaining after the payment of such dividends, and expenses, subject to repayment to the various persons, companies, and corporations, for whom the said corporation has done business the preceding year;

Seventh, The name of each stockholder, and the number of shares held by them [him], at the date of such report. Every such report shall be filed with the secretary of the association, and also in the office of the county clerk, of the county in which the business office of said association shall be located, and shall be open at all reasonable times, to the examination of any and every stockholder, and all other persons interested in the facts therein stated; and if the said president and secretary, of such corporation shall inten-

tionally neglect or refuse to make, or to file, such report, they shall severally be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine, not exceeding five hundred dollars.

Acquisition and holding of property.

Proviso.

Proviso.

Further proviso.

General powers.

Lien on logs, etc.

SEC. 14. Every such corporation shall, by their corporate name, have power to acquire, use, and hold all such real and personal estate, by lease or purchase, as shall be necessary for the purpose of carrying on the business of such corporation, with the full right of selling and disposing thereof, when not further needed for the use of such corporation: *Provided*, That their real estate shall not exceed fifteen thousand acres. They shall have power, and the right, in any of the navigable waters of this State, named in their articles of association, to construct, use, and maintain all necessary booms, for the business of such corporation: *Provided, always*, That they shall first have obtained from the owner, or owners, of the shores along which, or in front of which they desire to construct such boom, or booms, either by lease or purchase, their permission to erect and maintain such boom or booms in front of his or their lands: *And provided further*, That such boom or booms shall, so far as practicable, be so constructed and used as to allow of the free passage of boats, vessels, rafts, logs, timber, lumber, or other floatables along such waters. They shall have power to carry on the business of driving, booming, rafting, and running, assorting and delivery of logs, timber, lumber, or other floatables, or either of them, as they may from time to time determine, and shall have power to make all necessary contracts for such driving, booming, rafting, and running, assorting, and delivery; and for the running, driving, and booming, rafting, assorting, and delivery of such logs, lumber, timber, and other floatables, whether done under contract or otherwise, the said corporation shall have a right to charge and collect such uniform and reasonable sum as is hereinafter provided; and such corporation shall have a lien on the logs, timber, or other floatables, driven, boomed, rafted, or run, and be entitled to retain possession thereof, or so much thereof as may be necessary to satisfy the same, and all expenses for taking care thereof, until the same shall be determined, satisfied, and paid, in the manner hereinafter prescribed, and whenever any such logs, timber, lumber, or other floatables shall be delivered by any duly authorized corporation, to any other duly authorized corporation, for transportation or delivery at its proper destination, such lien shall remain a lien upon such logs, timber, lumber, or other floatables, for the benefit of said corporation, until the same shall have reached its proper destination, and said first corporation shall be deemed not to have lost its lien on the said logs, timber, lumber, or other floatables, and shall have power to take and retain possession of the same, in common with any other party having a subsequently acquired lien thereon, or so much of the same as may be necessary to satisfy the amount of such boomage, and charges for rafting, or running, until the same shall be determined, satisfied, and paid in the manner hereinafter prescribed; and all charges for running, driving, booming, towing, or rafting of saw-logs or

lumber, by such corporation, shall be by the thousand feet, board measure.

SEC. 21. The board of directors of said corporation shall have the right, on or before the first day of May, each season, to fix a uniform and reasonable price per thousand feet, for the running, driving, booming, assorting, rafting, towing, and delivery of all logs, timber, lumber, and other floatables, which may be delivered to such corporation, in that season, sufficient in amount to insure the payment, in the aggregate, of all the expenses of such running, driving, booming, rafting, towing, and delivery, of the necessary expenses of repairing booms, buildings, and other corporate property, and for all other necessary and proper costs and expenses of conducting the company's business for that season, including all damages, necessarily paid for overflowing lands, along the stream, and a reasonable salary for the officers of such corporation, and of a profit in addition thereto, of not less than twelve per cent, upon the capital stock of the company. If the owner of any logs shall put or run the same into that part of any navigable river, creek, or stream, in or along which any such corporation drives, runs, or booms logs, or shall have any logs therein, and shall not make adequate provision, and put on sufficient force for running and driving the same, or for breaking jams, the same shall be deemed as delivered to such corporation, under the provisions of this act. On or before the fifteenth day of January, next ensuing, the entire receipts and expenditures of the corporation, for the season's business, shall be accurately ascertained, and the entire excess or surplus of receipts, which remain after deducting the actual and necessary expenses hereinbefore specified, and twelve per cent upon the capital stock of the corporation as a dividend to its stockholders, shall belong to, and be paid over on demand, to the several persons, companies, and corporations, who contributed to the payment thereof, in the proportion which the payment of each of the persons, companies, and corporations shall bear to the entire amount paid said corporation: *Provided, however,* That if in any year, any company suffers losses, or is compelled to pay damages incurred in its business, or fails to make sufficient collections so that no dividend can be declared and paid, or a less dividend than twelve per cent, then in that case such company shall be at liberty to retain from the profits of the next, or subsequent years, such sum or sums as shall be sufficient to enable them to make up such loss or damage, and declare and pay dividends, in such amounts as to make the average dividends equal to, but not to exceed, twelve per cent each year: *And provided further,* That the above restriction to twelve per cent dividends shall not apply to corporations which have not as yet declared and paid, since their organization, dividends, or accumulated surplus in the aggregate, equal in amount to the actual paid up capital stock of such corporation, together with interest thereon at twelve per cent per annum, from the date when such capital stock was paid in, until dividends have been declared or paid, or surplus fund earned sufficient in amount to equal such actually paid up capital stock, with said interest thereon. But no

Time of fixing rates and limitations of amount to be charged.

When logs shall be deemed as delivered to corporation.

Surplus to be paid back, in certain cases.

Proviso relative to the retention of profits of subsequent years.

Further proviso.

No corporation shall retain more than twenty-four per cent, etc.

Increase of capital stock.

In case of transfer successors to be subject to provisions of act.

such corporation shall hereafter declare or pay as dividends, or retain as surplus, or in any other form, more than twenty-four per cent upon the actual paid up capital stock of such corporation, but the whole excess of receipts, from the business of the corporation, after deducting the expenses hereinbefore enumerated, and a sum not exceeding twenty-four per cent for dividends, or surplus, shall be paid over to the several persons, firms, or corporations entitled thereto, as hereinbefore provided; and as soon as any such corporation shall have paid in dividends, or acquired as surplus, an amount which, added to the dividends heretofore declared, shall equal in the aggregate the actual paid up capital stock of the corporation, with said interest thereon at twelve per cent, its dividends shall thereafter be limited to twelve per cent upon the capital stock as hereinbefore provided; and such corporation shall, in all things, be subject to the limitations and conditions hereinbefore imposed. No corporation formed under this act shall hereafter increase its capital stock, except for cash or its equivalent, actually paid into such corporation by the persons or parties to whom such increased capital stock shall be issued. *And provided further,* That if any boom company, now organized and doing business, shall sell, assign, or transfer its stock, property, franchises, and effects to any other person, persons, company, or corporation, then in such case the successors, or assigns of such boom company shall be subject to all the provisions of this act, the same as though no such transfer or sale had taken place, and shall in no case retain a larger dividend than the old company could charge, under this act.

This act is ordered to take immediate effect.

Approved May 10, 1883.

[No. 81.]

AN ACT to amend section five of act number eighty-eight of the laws of eighteen hundred and seventy-seven, and section twenty-eight of act number one hundred and seventy-five of the laws of eighteen hundred and eighty-one, and section seven of act number seventy-nine of "An act to provide for the appointment of a commissioner of railroads, and to define his powers, duties, and fix his compensation."

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That section five of act number eighty-eight of the laws of eighteen hundred and seventy-seven, section twenty-eight of act number one hundred and seventy-five of the laws of eighteen hundred and eighty-one, and section seven of act number seventy-nine of the laws of eighteen hundred and seventy-three, being "An act to provide for the appointment of a commissioner of railroads, and to define his powers, duties, and fix his compensation," be amended so as to read as follows:

Salary.

SEC. 5. Said commissioner shall receive an annual salary of

twenty-five hundred dollars, payable monthly, on the warrant of the auditor general. He shall hold his office in the State capitol at Lansing. The incidental expenses of his office, together with all actual cash outlay for railroad fares, shall be audited by the board of State auditors. He may appoint a deputy, with the approbation of the governor, for whose official acts such commissioner shall be in all respects, responsible, and revoke such appointment at pleasure. Such deputy shall take and subscribe the constitutional oath of office, and shall perform such duties as the commissioner may from time to time, prescribe; and in case of the death, resignation, or removal of the commissioner, shall perform the duties of commissioner, until a successor shall be appointed, and such deputy shall receive an annual salary of fifteen hundred dollars for the year eighteen hundred and eighty-three, and each year thereafter, payable monthly, on the warrant of the auditor general.

Place of holding office.

Deputy.

Oath of office.

Salary of deputy.

SEC. 7. Every railroad corporation, incorporated or doing business in this State, or which shall hereafter become incorporated, or do business under any general or special law of this State, shall, on or before the first day of April, in the year of our Lord one thousand eight hundred and seventy-three, and on or before the same day in each and every year thereafter, make and transmit to the commissioner appointed by virtue of this act, at his office in Lansing, a full and true statement, under oath, of the proper officers of said corporation, of the affairs of said corporation, on the thirty-first day of December preceding, specifying:

Annual report to commissioner what to contain.

First, The amount of capital stock subscribed, and by whom;

Second, The names of the owners of its stock, the amounts owned by them respectively, and the residence of each stockholder, so far as known;

Third, The amount of stock paid in, and by whom;

Fourth, The amount of its assets and liabilities;

Fifth, The names and place of residence of its officers;

Sixth, The amount of cash paid to the corporation on account of the original capital stock;

Seventh, The amount of funded debt;

Eighth, The amount of floating debt;

Ninth, The estimated value of the road bed, including iron and bridges;

Tenth, The estimated value of rolling stock;

Eleventh, The estimated value of stations, buildings, and fixtures;

Twelfth, The estimated value of other property;

Thirteenth, The length of single main track;

Fourteenth, The length of double main track;

Fifteenth, The length of branches, stating whether they have single or double tracks;

Sixteenth, The aggregate length of siding, and other tracks, not above enumerated;

Seventeenth, The number of miles run by passenger trains during the year preceding the making the report;

Eighteenth, The number of miles run by freight trains during the same period, including the mileage of rented cars;

Idem.

Nineteenth, The number of tons of through freights carried during the same time ;

Twentieth, The number of tons of local freights carried during the same time ;

Twenty-first, Its monthly earnings for the transportation of passengers during the same time ;

Twenty-second, Its monthly earnings for the transportation of freight during the same time ;

Twenty-third, Its monthly earnings from all other sources respectively during the same time ;

Twenty-fourth, The amount of expense incurred in the running and management of passenger trains during the same time, including amounts paid for the use of palace and sleeping cars ;

Twenty-fifth, The amount of expense incurred in the running and management of freight trains during the same time ; also the amount of expense incurred in the running and management of mixed trains during the same time ;

Twenty-sixth, All other expenses incurred in the running and management of the road during the same time, including the salaries of officers, which shall be reported separately ;

Twenty-seventh, The amount expended for repairs of road and maintenance of way, including repairs and renewal of bridges, and renewal of iron during the same time ;

Twenty-eighth, The amounts expended for improvements, and whether the same are estimated as part of the expenses of operating or repairing the road during the same time, and if either, which ;

Twenty-ninth, The amount expended for motive power and cars during the same time ;

Thirtieth, The amount expended for station houses, buildings, and fixtures during the same time ;

Thirty-first, All other expenses for the maintenance of way during the same time ;

Thirty-second, All other expenditures during the same time, either for management of road, maintenance of way, motive power and cars, or for other purposes ;

Thirty-third, The rate of fare for passengers for each month during the same time,—through and way passengers separately ;

Thirty-fourth, The tariff of freights and special rates, showing each change of tariff and special rates during the same time,—through and way freights separately ;

Thirty-fifth, A copy of each published rate of fare for passengers and tariff of freight in force, or issued for the government of its agents during the same time ;

Thirty-sixth, Whether the rate of fare and tariff of freights in such published lists are the same as those actually received by the corporation or its agents during the same time ; if not, what were received ;

Thirty-seventh, What express companies run on its road, on what terms and conditions, and the kinds of business done by them ;

Thirty-eighth, What freight and transportation companies run Idem. on its road, and on what terms;

Thirty-ninth, Whether such freight and transportation companies use the cars of the railroad corporation, or the cars furnished by themselves;

Fortieth, Whether the freight or cars of such companies are given any preferences in speed or order of transportation; and if so, in what particular;

Forty-first, What running arrangements it has with other railroad corporations, setting forth the contract for the same, and the said commissioner shall cause to be made suitable blanks at the expense of the State, and forward the same to such railroad corporations, upon which to make the reports required by this act;

Forty-second, The number of acres of land sold during the year, and the price received therefor, and the number of acres still owned by the company, not used for corporate purposes, and the value thereof.

SEC. 28. Authority is hereby given to said commissioner, and it shall be his duty, if he shall deem it practicable, to prescribe the use of the interlocking switch and signal system, or some other system that will secure equal safety in the operation of trains of cars at all crossings and junctions of railroads in this State: Interlocking switches, signals, etc.
Provided, That at crossings where all trains come to a full stop, no other system than that requiring such stop shall be prescribed. Proviso.

Ordered to take immediate effect.
 Approved May 10, 1883.

[No. 82.]

AN ACT to amend section eight, chapter two, and sections one and two, chapter nine, of act number one hundred and sixty-four of public acts of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act."

SECTION 1. *The People of the State of Michigan enact*, That section eight, chapter two, and sections one and two of chapter nine, of act number one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," approved May twenty-one, eighteen hundred and eighty-one, be amended so as to read as follows: Section amended.

CHAPTER II.

SECTION 8. Whenever the board of school inspectors shall contemplate an alteration of the boundaries of a district, the township clerk (and for meetings of boards to act in relation to fractional districts, clerks of the several townships interested) shall give at least Alteration of boundaries of districts by inspectors.

ten days' notice of the time and place of the meeting of the inspectors, and the alteration proposed, by posting such notice in three public places in the township or townships, one of which notices shall be in each of the districts that may be affected by such alteration. Whenever the boards of school inspectors of more than one township meet, they shall elect one of their number chairman, and another clerk thereof.

CHAPTER IX.

Appeal of electors.

SECTION 1. Whenever any five or more tax-paying electors, having taxable property within any school district, shall feel themselves aggrieved by any action, order, or decision of the board of school inspectors, with reference to the formation, or any division, or consolidation of said school district, they may, at any time within sixty days from the time of such action on the part of said school inspectors, appeal from such action, order, or decision of said board of school inspectors to the township board of the township in which such school district is situated, and in case of fractional school districts, notice of such appeal shall be served on the clerk of the joint boards of school inspectors who have made the decision appealed from, who shall, within five days, give notice thereof to the township boards of the several townships in which the different parts of said fractional school district are situated, who shall have power, and whose duty it shall be, acting jointly, to entertain such appeal, and review, confirm, set aside, or amend the action, order, or decision of the board of school inspectors thus appealed from; or if in their opinion the appeal is frivolous or without sufficient cause, they may summarily dismiss the same.

Appeal in case of fractional districts.

Appellants to file statement of cause and demand for appeal.

SEC. 2. Said appellants shall, before taking such appeal, make out and file with the board of school inspectors, or in case of fractional school districts to the clerk of the joint boards of school inspectors, a written statement, to be signed by said appellants, setting forth in general terms the action, order, or decision of the board or boards of school inspectors, with respect to which the appellants feel themselves aggrieved, and their demand for an appeal therefrom to the township board or boards of said township or townships, and shall also cause to be executed and signed by one of their number, and by two good and sufficient sureties, to be approved by the clerk of said board or joint boards of school inspectors, or by any justice of the peace of the township, and filed with the clerk of said board or joint boards of school inspectors, a bond to the people of the State of Michigan in the penal sum of two hundred dollars, conditioned for the due prosecution of said appeal before said township board or boards acting jointly, and also in case of the dismissal of said appeal as frivolous by said township board or joint boards, for the payment by said appellants of all costs occasioned to the township or townships [by reason] of said appeal.

Appellants to execute and file bond.

This act is ordered to take immediate effect.

Approved May 10, 1883.

[No. 83.]

AN ACT to amend sections one and five of act number four hundred and seventy-one, of the session laws of eighteen hundred and seventy-one, approved April seventeen, eighteen hundred and seventy-one, entitled "An act to provide for laying out and establishing a State road in the township of Sherman, county of Keweenaw."

SECTION. 1. *The People of the State of Michigan enact*, That sections one and five of act number four hundred and seventy-one, of the session laws of eighteen hundred and seventy-one, approved April seventeen, eighteen hundred and seventy-one, entitled "An act to provide for laying out and establishing a State road in the township of Sherman, county of Keweenaw," be and the same are hereby amended so as to read as follows:

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That Hanford C. Burns be and is hereby appointed commissioner to lay out, establish and improve a State road, commencing at the village of Eagle Harbor, Keweenaw county, running thence by the most practicable route to the Central Mine, Sherman township, in said county, and running thence southerly, on the most eligible route to be found to the mouth of the Tobacco river in said county.

Commissioner appointed to lay out road.

SEC. 5. Said road shall be known as the Eagle Harbor and Tobacco River State road.

Name of road.

This act is ordered to take immediate effect.

Approved May 10, 1883.

[No. 84.]

AN ACT to provide for the disposal of money and valuable property found on the bodies of unknown deceased persons, within this State.

SECTION 1. *The People of the State of Michigan enact*, That whenever any money or valuable property shall be found upon the body of an unknown deceased person within this State, it shall be the duty of the coroner or justice holding the inquest over said body, or of any person who shall come into possession of said money or valuable property, to deliver all of said money or valuable property so found to the county clerk of the county where said body shall be found or be at the time of death, within ten days after said money or property shall have come into their possession.

Money, etc., found upon body of deceased persons to be deposited with county clerk.

SEC. 2. It shall be the duty of said county clerk to deposit the same with the county treasurer, who shall safely keep said money or property for the period of two years from the time of receiving the same, unless the same shall be called for by the heirs or proper representatives of the deceased person. In which case the said money and property shall be delivered to them, but in case no person representing the deceased shall make demand for said money or

Clerk to deposit same with county treasurer.

Disposition of by treasurer.

valuable property, then at the expiration of said two years said county treasurer shall sell in such manner, and after such notice as is required by law for constable sales, the property deposited with him as aforesaid, and shall within ten days thereafter pay into the State treasury all money received by him as aforesaid, which money shall be placed to the credit of the general fund of the State.

Penalty for
violations of
provisions of act.

SEC. 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars, or by imprisonment in the county jail not more than three months, or both such fine and imprisonment, in the discretion of the court.

Approved May 10, 1883.

[No. 85.]

AN AOT requiring certain of the regular terms of the circuit court for the county of Ingham to be hereafter held within the city of Lansing.

Two terms of
circuit court of
Ingham county
to be held at
Lansing.

SECTION 1. *The People of the State of Michigan enact*, That two of the regular terms of the circuit court for the county of Ingham, heretofore appointed, shall be held during the remainder of the year A. D. eighteen hundred and eighty-three, within the city of Lansing, and during each year thereafter, two of the regular terms of said court shall be held within said city: *Provided*, That the common council of said city, or the citizens thereof, shall furnish and provide, free of expense to said county, a suitable place for holding said court, within said city, and transacting the business thereof, and also a suitable and sufficient jail, for the incarceration of prisoners during the sittings of said court, both to be inspected and approved by the judge of said court, or the prosecuting attorney of said county, which approval shall be in writing, and shall be filed with the clerk of said county.

Provide.

Circuit judge to
designate terms
to be held at
Lansing in 1883.

SEC. 2. Within ten days after this bill shall take effect and become a law, and said approval be so filed, the circuit judge of the fourth judicial circuit shall designate which of the two regular terms of the circuit court for said county of Ingham, heretofore appointed for the year A. D. eighteen hundred and eighty-three, shall be so held within said city, which designation shall be in writing, and shall be immediately thereafter transmitted by him to the clerk of said county.

To designate
terms for subse-
quent years.

SEC. 3. The judge of said circuit shall thereafter, when fixing and appointing times of holding the several terms within his circuit, in such appointment determine and designate which of the regular terms, to be then fixed and appointed, shall be so held within said city of Lansing, for the two years then next ensuing.

Approved May 11, 1883.

[No. 86.]

AN ACT making appropriations for the current expenses of the State normal school, for the years eighteen hundred and eighty-three and eighteen hundred and eighty-four.

SECTION 1. *The People of the State of Michigan enact,* That the State treasurer shall transfer from the general fund to the normal school interest fund the sum of twenty-three thousand one hundred and fifteen dollars (\$23,115) for the year eighteen hundred and eighty-three (1883), and the sum of twenty-seven thousand and fifty dollars (\$27,050) for the year eighteen hundred and eighty-four (1884), which sums are hereby appropriated for the current expenses of the State normal school for the years above named, and shall be drawn from the treasury on the presentation of properly certified requisitions of the State board of education to the auditor general, and on his warrant upon the State treasurer. Appropriation made.

SEC. 2. The auditor general shall incorporate in the State tax for the year eighteen hundred and eighty-three (1883) the sum of twenty-three thousand one hundred and fifteen dollars (\$23,115), and in the State tax for the year eighteen hundred and eighty-four (1884) the sum of twenty-seven thousand and fifty dollars (\$27,050), which tax when collected shall be credited up to the general fund to reimburse to the same the sums to be drawn therefrom as provided in section one of this act: *Provided,* That the sum of fifteen hundred dollars (\$1,500) of said amount shall be used annually for library purposes, and for no other purpose whatever. Tax for.

This act is ordered to take immediate effect.

Approved May 11, 1883.

[No. 87.]

AN ACT to amend sections one, two, three, five, nine, ten, twelve, and nineteen, of act number one hundred and fifty-one, of the session laws of eighteen hundred and sixty-nine, entitled "An act to provide for the formation of joint stock companies for the purpose of owning and maintaining skating parks or rinks," approved April five, eighteen hundred and sixty-nine, being sections three thousand two hundred and seventy-one, three thousand two hundred and seventy-two, three thousand two hundred and seventy-three, three thousand two hundred and seventy-five, three thousand two hundred and seventy-nine, three thousand two hundred and eighty, three thousand two hundred and eighty-two, and three thousand two hundred and eighty-nine, of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two, three, five, nine, ten, twelve, and nineteen, of act number one hundred and fifty-one, of the session laws of eighteen hundred and sixty-nine, entitled "An act to provide for the formation of joint stock companies for the purpose of owning and main- Sections amended.

taining skating parks or rinks," approved April five, eighteen hundred and sixty-nine, being sections three thousand two hundred and seventy-one, three thousand two hundred and seventy-two [three thousand two hundred and seventy-three], three thousand two hundred and seventy-five, three thousand two hundred and seventy-nine, three thousand two hundred and eighty, three thousand two hundred and eighty-two, and three thousand two hundred and eighty-nine, of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

How corporation
may be formed.

(3271.) SECTION 1. Any number of persons, not less than three, desiring to form a corporation for the purpose of constructing, owning, and maintaining any skating park or rink, or any park or piece of ground enclosed and kept for ornament and recreation and amusement, in any city, village, or township of this State, may, by articles of agreement, in writing, under their hands and seals, associate for that purpose, under a name to be assumed by them in their articles of association: *Provided*, That no two shall assume the same name: *And provided further*, That any association or company of individuals, now owning property for the purpose aforesaid, may be incorporated under and by complying with the provisions of this act.

Proviso.

Articles of association, what
to contain.

(3272.) SEC. 2. Such articles of association shall be signed by the persons associating in the first instance and be duly acknowledged before some officer of this State, authorized by the laws of this State to take acknowledgment of deeds, and shall set forth:

First, The name by which the corporation shall be known in the law;

Second, Definitely and distinctly the purposes for which the corporation is formed;

Third, The amount of their capital stock and the number of shares thereof;

Fourth, The names of the stockholders, their respective residences, and the number of shares held by each;

Fifth, The city, village, or township where the office of the corporation shall be located;

Sixth, The term of the existence of such corporation, which shall not exceed thirty years;

Seventh, The number of the directors of the corporation, and the names of those who shall be the directors for the first year;

Eighth, The names of its president, secretary, and treasurer, and their respective places of residence.

Filing of
articles, etc.

(3273.) SEC. 3. The articles of such association shall be filed in the office of the secretary of State, and a duplicate of said articles shall be filed and recorded at length in the office of the county clerk in the county where such corporation is located, and also in the county where the office of the corporation is located, and thereupon all persons who shall have subscribed the same, and all persons who shall from time to time become stockholders in such company, shall be a body politic and corporate by the name specified in such articles, and by such name they and their successors shall have succession, and in their corporate name be capable in law of owning,

When shall be
body politic.

holding, or purchasing and disposing of, in such manner as the stockholders may direct, any real or personal property or estate, whatsoever, not exceeding in value thirty thousand dollars, and they shall be capable of suing and being sued in all courts of law and equity in this State, and may have a common seal, and may alter and change the same at pleasure. Such corporation may alter or amend its articles of association at any regular meeting of the stockholders or at a special meeting called for that purpose by a vote of not less than two-thirds of its stockholders. Such corporation shall cause any such amendment or amendments subscribed by at least two-thirds of all its stockholders and certified by its president and secretary, to be filed and recorded in the same manner as in the case of the original articles of association, and when so filed and recorded such amendments shall become a part of the articles of association.

Powers of, to hold property, etc.

Amending articles of association, etc.

(3275.) SEC. 5. The amount of the capital stock of every such corporation shall be fixed and limited by the stockholders, in their articles of association, and shall in no case be more than thirty thousand dollars, and shall be divided into shares of twenty-five dollars each, and such certificates of stock shall be signed by the president and secretary of the company, and sealed with the corporate seal.

Amount of capital stock to be fixed, etc.

(3279.) SEC. 9. The stock, property, and affairs of such corporation shall be managed by a board of directors, to consist of not less than three nor more than eleven, as their articles of association shall determine, who shall be stockholders of the corporation, who shall be elected at the annual meeting, and shall hold their office for one year, and until their successors shall be elected. The election shall be made pursuant to notice as hereinbefore provided by such of the stockholders as shall attend for that purpose, either in person or by proxy. In all elections each stockholder shall be entitled to cast one vote for each and every share he shall own of the stock of such company, and the persons having the greatest number of votes shall be directors. Whenever any vacancy shall happen in the board of directors, such vacancy shall be filled for the remainder of their term, by the remaining directors, and no person shall be a director unless he shall be a stockholder in said company, and if any director shall cease to own any stock of said corporation, he shall cease to be a director.

Powers, duties, number, and election of directors.

Vacancies.

(3280.) SEC. 10. A majority of the directors shall be a board for the transaction of business. The board shall in no case authorize any expenditure, or incur any liability in behalf of such corporation to exceed three hundred dollars, unless authorized by a majority of the stockholders thereof.

Powers of majority of board of directors.

(3282.) SEC. 12. The stockholders shall have power to make such reasonable by-laws, not inconsistent with the laws of the State or of the United States, as they shall deem proper for the management and disposition of the property, affairs, and concerns of the said corporation, and for prescribing the powers and duties of the officers and employes of said company, and may alter and amend the same at their will and pleasure.

By-laws.

When stockholders have right to select building lot, etc.

Conveyance.

(3289.) SEC. 19. If the by-laws of any such corporation shall provide that the several stockholders shall be entitled to select a lot on the lands of the association for the purposes of building thereon, it shall be the duty of the board of directors to cause the lands of the corporation to be surveyed and platted as required by act number one hundred and eight, of the session laws of eighteen hundred and seventy-three, and the board of directors shall execute a proper conveyance of such lots to the stockholders entitled thereto, but the said survey shall in no way change the boundaries of lots heretofore selected by any stockholder with the consent of the officers of said corporation, and the lots so selected shall be confirmed to the stockholders entitled thereto.

This act is ordered to take immediate effect.

Approved May 11, 1883.

[No. 88.]

AN ACT making appropriations for painting and penciling the front walls of the female department, and for erecting an infirmary, at the Michigan asylum for the insane.

Appropriation made.

SECTION 1. *The People of the State of Michigan enact*, That there be, and hereby is appropriated out of the State treasury, to the Michigan asylum for the insane, the sum of twelve thousand and one hundred dollars, or so much thereof as may be necessary, viz.: For painting and penciling the front exterior walls of the female department, three thousand and one hundred dollars, or so much thereof as may be necessary; and for erecting an infirmary in connection with the female department, the sum of nine thousand dollars, or so much thereof as may be necessary.

How moneys drawn and expended.

SEC. 2. That the moneys appropriated hereby may be drawn from the State treasury upon the warrant of the auditor general, in such sums, and at such times as shall be made to appear to him necessary. The sums thus appropriated shall be expended only for the purposes specified in this act, and their receipts and disbursements shall be accounted for by duplicate vouchers, and monthly accounts current, as provided for by act number one hundred and forty-eight, of the laws of eighteen hundred and seventy-three.

Tax for.

SEC. 3. That the auditor general is hereby authorized to incorporate the sum of twelve thousand and one hundred dollars in the State tax for the year eighteen hundred and eighty-three, and when collected place the same to the credit of the general fund.

Ordered to take immediate effect.

Approved May 11, 1883.

[No. 89.]

AN ACT to amend certain sections of act number one hundred and forty-three, of the laws of eighteen hundred and eighty-one, providing for the incorporation of knights of the Maccabees.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, four, and five of act number one hundred and forty-three, of the laws of eighteen hundred and eighty-one, providing for the incorporation of subordinate tents, and the great camp of the knights of the Maccabees of the world, shall be and are amended so as to read as follows:

SECTION 1. Any subordinate tent of the knights of the Maccabees of the world, duly organized and acting within this State, and in good standing with the great camp of said order, within said State, and acting under the constitution thereof, may become a body corporate and politic, in the manner following:

First, At some regular review of said tent, a resolution shall be put to vote of the members present, expressing the desire of said tent to be incorporated, and directing the officers thereof to perfect such incorporation, and if such resolution shall receive a two-thirds vote of the members present, it shall be declared carried, otherwise lost;

Second, On such resolution being so passed, the sir knight commander and sir knight record keeper shall prepare articles of association, under their hands and the seal of the tent, setting forth the number of persons then in good standing, in the tent, desiring incorporation, the name by which the tent is known, the date of its organization, and the period for which it is incorporated, not exceeding thirty years;

Third, A copy of such articles of association shall be filed with the county clerk of the county within which such tent holds its stated meetings, and shall by him be recorded, together with the affidavit hereafter named, by such clerk, in a book to be kept for that purpose;

Fourth, On the execution of said articles of association, and before the filing thereof with the county clerk, the sir knight record keeper of such tent shall annex thereto his affidavit, stating that he is a member, in good standing, of such tent, and occupies the position of record keeper therein, and that the resolution, a copy of which shall be set forth at length in such affidavit, was regularly passed at a regular review of said tent, and received a two-thirds majority of the members present, and that to the best of his knowledge and belief the statements made in the articles of association are true, and that said tent is organized and acting under the constitution of the great camp of the knights of the Maccabees of the world for Michigan.

SEC. 2. When the foregoing requirements are complied with, the tent shall be a body corporate, by the name expressed in such articles, and by that name shall be a person in the law, capable of suing and being sued in courts, and of taking and holding property of

every kind, the same as natural persons, and a copy of said articles of association, duly certified by the clerk of the county in whose possession they are, shall be conclusive evidence, in all courts and places, of the existence and due incorporation of such tent.

Present great
camp declared
duly incorpo-
rated, etc.

SEC. 3. The present great camp of the knights of the Maccabees of the world, for Michigan, incorporated June eleven, in the year of our Lord eighteen hundred and eighty-one, under the act of which this act is amendatory, is hereby declared to be duly and regularly incorporated, capable of suing and being sued and of holding and transferring property, and to have sole jurisdiction over, and control of, all subordinate tents heretofore organized, or that may be hereafter organized in the State of Michigan, and bearing the name or title of the knights of the Maccabees of the world, subject only to the constitution and laws of the order.

Jurisdiction and
control over sub-
ordinate tents,
etc.

SEC. 4. The property, real and personal, of said great camp of Michigan Maccabees, and any incorporation formed under this act, shall be held, disposed of, managed, and controlled by such persons, and in such manner as the majority of the members shall from time to time determine, in accordance with the constitution and laws of the order.

Disposition,
management,
and control
of property, etc.

Ordered to take immediate effect.

Approved May 11, 1883.

[No. 90.]

AN ACT to amend section five, of chapter one hundred and three, of the revised statutes of eighteen hundred and forty-six, being compiler's section five thousand nine hundred and seventy-three, of the compiled laws of eighteen hundred and seventy-one, relative to notice of the trial of chancery causes in open court.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section five, of chapter one hundred and three, of the revised statutes of eighteen hundred and forty-six, being compiler's section five thousand nine hundred and seventy-three, of the compiled laws of eighteen hundred and seventy-one, relative to notice of the trial of chancery causes in open court, be, and the same is hereby amended so as to read as follows:

Notice of trial.

(5973.) SEC. 5. Written notice of trial of every issue of fact in a circuit court shall, in all cases, be served at least fourteen days before the first day of the court at which such trial shall be intended to be had, and this provision shall apply as well to causes pending in chancery, wherein the right of an examination of witnesses in open court shall have been secured by either party, according to the provisions of law therefor, as in a suit at law.

Approved May 11, 1883.

[No. 91.]

AN ACT to amend section one, and to repeal section three of an act entitled "An act relative to jurors of courts of record in the city of Detroit and the county of Wayne," being act number one hundred and sixty, of the session laws of eighteen hundred and eighty-one, approved May twenty, eighteen hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act relative to jurors of courts of record in the city of Detroit and county of Wayne," being act number one hundred and sixty, of the session laws of one thousand eight hundred and eighty-one, approved May twentieth, one thousand eight hundred and eighty-one, be and the same is hereby amended so as to read as follows:

SEC. 1. That in the county of Wayne there shall be a board of jury commissioners, consisting of six qualified electors and freeholders of said county, three of whom shall reside in the city of Detroit, and three in the townships of said county. Said commissioners shall be appointed by the State senate, on the nomination of the governor. At the legislative session of one thousand eight hundred and eighty-one, two commissioners shall be appointed to hold office for two years, two for four years, and two for six years; and at each subsequent regular legislative session, two commissioners shall be appointed to hold office for six years. Vacancies that occur when the legislature is not in session may be filled by the governor. The official terms of said commissioners shall commence on the first Monday of April, and before entering upon the discharge of their duties, they shall each take and subscribe the oath of office prescribed by the constitution of this State, and file the same in the office of the county clerk. They shall elect one of their number president, and shall appoint a secretary, who shall keep a journal and record of their proceedings. The commissioners shall receive no compensation for their services, but shall be entitled to mileage for their necessary travel in the discharge of their official duties, at the rate of ten cents per mile, each way, to be allowed and paid by the board of county auditors. The secretary shall be paid such compensation as said board of auditors may allow.

SEC. 2. Section three of said act is hereby repealed.

Ordered to take immediate effect.

Approved May 11, 1883.

Section amended.

Board of jury commissioners.

Appointment of.

Vacancies.

Official term of, oath, etc.

Officers.

Compensation.

Section repealed.

[No. 92.]

AN ACT to amend section four, of chapter ninety-eight, of compiled laws of one thousand eight hundred and seventy-one, being compiler's section two thousand nine hundred and thirty-nine, relating to life insurance companies transacting business within this State.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four, of act number seventy-seven, of the session laws of one thousand eight hundred and sixty-nine, entitled "An act in relation to life insurance companies transacting business within this State," approved March thirtieth, one thousand eight hundred and sixty-nine, being compiler's section two thousand nine hundred and thirty-nine, of the compiled laws of one thousand eight hundred and seventy-one, be, and the same is hereby amended to read as follows :

Capital stock,
shares, etc.

SEC. 4. The capital of any stock company, organized under this act, shall not be less than one hundred thousand dollars, in shares of fifty dollars each, which capital stock may be increased by a vote of two-thirds of the stockholders present or represented at any regular meeting called for the purpose, to not more than five hundred thousand dollars ; and no such stock company, and no company, organized to do business on the mutual plan, shall be authorized to issue policies, or assume any risks whatever, until they shall have deposited with the State treasurer, as security for any liability to insured parties, stocks, or bonds of this State, or of the United States, to the amount, in par value, exclusive of interest, of not less than one hundred thousand dollars, which stock or bonds shall be retained by the State treasurer, and disposed of as hereinafter directed : *Provided, however*, That personal obligations secured by first mortgages on improved and productive real estate, within this State, worth, exclusive of all buildings, at least double the amount of the lien, and bearing interest of not less than six per centum per annum, may be received by the State treasurer, instead of the bonds or stocks hereinbefore provided for in this section. Such mortgages shall be properly assigned to the State treasurer, as provided for in section twenty-one of this act ; but any examination by the State treasurer, or under his direction, to satisfy him respecting the title or value of the property mortgaged, shall be at the expense of such company ; and no mutual insurance company shall commence business, by issuing policies, until they shall have received at least five hundred applications for insurance, on which the premiums shall amount to at least five thousand dollars, nor until the examination by the attorney general and commissioners, as hereinafter provided.

No company to
issue policies,
etc., until
deposit is made
with State
treasurer.

Proviso.

Ordered to take immediate effect.

Approved May 11, 1883.

[No. 93.]

AN ACT to amend section fifteen of chapter three, and section four of chapter twelve of an act entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," being act number one hundred and sixty-four, of session laws of eighteen hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact*, That section fifteen of chapter three, and section four of chapter twelve of an act entitled "An act to revise and consolidate the laws relating to public instruction, and primary schools, and to repeal all statutes and acts contravening the provisions of this act," being act number one hundred and sixty-four, of session laws of eighteen hundred and eighty one, be amended so as to read as follows:

CHAPTER III.

SECTION 15. The district board shall specify the studies to be pursued in the schools of the district: *Provided always*, That provision shall be made for instructing all pupils in every school in physiology, and hygiene, with special reference to the effects of alcoholic drinks, stimulants, and narcotics generally, upon the human system: *Provided further*, That the text books used in giving the foregoing instruction shall have received the joint approval of the State board of education, and State board of health. The said district board shall prescribe the text books to be used, which shall be uniform in each subject that may be taught; but text books once adopted, under the provisions of this act, shall not be changed within five years, except by the consent of a majority of the qualified voters of the district present at an annual meeting. Each school board, making a selection of text books under this act, shall make a record thereof in their proceedings.

CHAPTER XII.

SECTION 4. The board of school examiners shall grant certificates to teachers, in such form as the superintendent of public instruction shall prescribe, licensing as teachers all persons who, on thorough and full examination, shall be found qualified in respect to good moral character, learning, and ability to instruct and govern a school; but no certificate shall be granted to any person who shall not pass a satisfactory examination in orthography, reading, writing, grammar, geography, arithmetic, theory and art of teaching, United States history, and civil government, and after September first, eighteen hundred and eighty-four, in physiology and hygiene, with particular reference to the effects of alcoholic drinks, stimulants, and narcotics upon the human system. All certificates shall be signed by the secretary and chairman of said board. No person shall be considered a qualified teacher, within the meaning of the school law, nor shall any school officer employ or contract with any

Certificates
heretofore
granted.

Powers of
chairman of
township boards
to examine
teachers, etc.

person to teach in any of the public schools, who has not a certificate in force, granted by the board of school examiners of the county, or other lawful authority: *Provided*, That the certificates heretofore granted by the township superintendents of schools shall be valid for the time for which they were given, unless sooner suspended or revoked by the board of school examiners: *Provided also*, That the several chairmen of township boards of school inspectors may examine and license teachers for their respective townships until the county school examiners are duly elected and qualified; but no certificate hereafter granted by a chairman of a township board of school inspectors shall be valid beyond three months after the board of school examiners has been duly elected, qualified, and organized in the county.

Approved May 16, 1883.

[No. 94.]

AN ACT to insure payment of wages earned, and for materials used, in constructing, repairing, or ornamenting public buildings, and public works.

Duty of boards,
officers, etc., to
insure payment
of workmen,
material, etc.

SECTION 1. *The People of the State of Michigan enact*, That when public buildings, or other public works, are about to be built, repaired, or ornamented under contract, at the expense of this State, or of any county, city, village, township, or school district thereof, upon which buildings or works liens might attach for labor or materials, if belonging to private persons, it shall be the duty of the board, officers, or agents contracting on behalf of the State, county, city, village, township, or school district, to require sufficient security, by bond, for the payment by the contractor, and all sub-contractors, for all labor performed or materials furnished in the erection, repairing, or ornamenting of such building.

Execution,
approval,
conditions, etc.,
of bonds.

SEC. 2. Such bond shall be executed by such contractor to the people of the State of Michigan, in such amount, and with such sureties as shall be approved by the board, officer, or agent acting on behalf of the State, county, city, village, township, or school district as aforesaid, and conditioned for the payment by such contractor, or any sub-contractor, as the same may become due and payable, of all indebtedness which may accrue to any person, firm, or corporation, on account of any labor performed, or materials furnished in the erection, repairing, or ornamenting of such building or works. Such bond shall be deposited with, and held by, such board, officer or agent, for the use of any party interested therein.

Where
deposited.

Suit on
bond, etc.

SEC. 3. Such bond may be prosecuted, and recovery had, by any person, firm, or corporation, to whom any money shall be due and payable, on account of having performed any labor, or furnished any materials in the erection, repairing, or ornamenting of such building, or works, in the name of the people of this State, for the

use and benefit of such person, firm, or corporation: *Provided*, Proviso. That the people of this State shall, in no case brought under the provisions of this act, be liable for costs.

Approved May 16, 1883.

[No. 95.]

AN ACT to amend section nine, of chapter four, of act number sixty-two, of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages."

SECTION 1. *The People of the State of Michigan enact*, That section nine, of chapter four, of act number sixty-two, of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," be and is hereby amended so as to read as follows: Section amended.

SEC. 9. The village treasurer shall have the custody of all moneys, bonds other than official, mortgages, notes, leases, and evidences of value belonging to the village; he shall receive all moneys belonging to, and receivable by the corporation, and keep an account of all receipts and expenditures thereof; he shall pay no money out of the treasury, except in pursuance of, and by authority of, law, and upon warrants signed by the clerk and president, which shall specify the purpose for which the amounts thereof are to be paid; he shall keep an account of, and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund raised, for the purpose for which the warrant was issued; but no person shall be eligible to the office of village treasurer for more than two years in succession. Powers and duties of village treasurer. Eligibility.

Approved May 16, 1883.

[No. 96.]

AN ACT making appropriations for certain expenses of the university of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury, for certain expenses of the university of Michigan, and for the purposes herein named, the following sums, to-wit: For books for the library, for the year eighteen hundred and eighty three, seven thousand five hundred dollars; for books for the library, for the year eighteen hundred and eighty-four, seven thousand five hundred dollars; for the increase of the heating capacity of the Appropriation made.

university, by the purchase and placing additional boilers, making connections, and work necessarily pertaining thereto, eight thousand dollars, for the year eighteen hundred and eighty-three; but any of said appropriation, not used in the said year, may be drawn and used for the said purposes in the year following; for the purchase of apparatus for the physical laboratory, for the year eighteen hundred and eighty-three, one thousand five hundred dollars; for the purchase of apparatus for the physical laboratory, for the year eighteen hundred and eighty-four, one thousand five hundred dollars; for the employment of an assistant, assistants, or assistance in the mechanical laboratory, for the year eighteen hundred and eighty-three, one thousand dollars; for the employment of an assistant, assistants, or assistance in the mechanical laboratory, for the year eighteen hundred and eighty-four, one thousand dollars; for the purchase of apparatus for the mechanical laboratory, for the year eighteen hundred and eighty-three, one thousand five hundred dollars; for the purchase of apparatus for the physiological laboratory, for the year eighteen hundred and eighty-three, two thousand dollars; for the homœopathic college, for the year eighteen hundred and eighty-three, two thousand dollars; for the homœopathic college, for the year eighteen hundred and eighty-four, two thousand dollars; for the dental college, for the year eighteen hundred and eighty-three, six thousand dollars; for the dental college, for the year eighteen hundred and eighty-four, six thousand dollars; for the university hospital, for the year eighteen hundred and eighty-three, three thousand five hundred dollars; for the university hospital, for the year eighteen hundred and eighty-four, three thousand five hundred dollars; for the homœopathic hospital, for the year eighteen hundred and eighty-three, two thousand dollars; for the homœopathic hospital, for the year eighteen hundred and eighty-four, two thousand dollars; for the addition of a professorship in the homœopathic college for the year eighteen hundred and eighty-three, two thousand two hundred dollars; for the addition of a professorship in the homœopathic college, for the year eighteen hundred and eighty-four, two thousand two hundred dollars.

Tax for.

SEC. 2. There shall be assessed upon the taxable property of the State, in the year eighteen hundred and eighty-three, the sum of thirty-seven thousand two hundred dollars, and in the year eighteen hundred and eighty-four, the sum of twenty-five thousand seven hundred dollars, which sums shall be assessed, levied, and collected in the same manner as other State taxes are assessed, levied, and collected, and which taxes, when collected, shall be credited up to the general fund, to reimburse the same for the amounts drawn therefrom, as provided in section one of this act.

This act is ordered to take immediate effect.

Approved May 16, 1883.

[No. 97.]

AN ACT to amend section sixteen, of chapter two hundred and sixty-six, of the compiled laws of eighteen hundred and seventy-one, being compiler's section eight thousand and thirty-three, relative to county jails, and the regulation thereof.

SECTION 1. *The People of the State of Michigan enact*, That section sixteen, of chapter two hundred and sixty-six, of the compiled laws of eighteen hundred and seventy-one, being compiler's section eight thousand and thirty-three, be and the same is hereby amended so as to read as follows: Section amended.

(8033.) SEC. 16. In each county of this State, the county treasurer thereof, together with the county superintendents of the poor, shall be inspectors of the jails respectively. Inspectors of jails.

Approved May 16, 1883.

[No. 98.]

AN ACT to punish persons who procure or place upon record spurious or fraudulent conveyances of real estate with intent to deceive.

SECTION 1. *The People of the State of Michigan enact*, That whoever procures or places upon record any conveyance of real estate, with intent to deceive any person as to the identity of the grantor mentioned in such conveyance, shall upon conviction be punished by imprisonment in the State prison, at hard labor, not to exceed three years, or by a fine not exceeding five thousand dollars, or both, in the discretion of the court. Procuring and recording of fraudulent conveyances, etc., punished.

Approved May 16, 1883.

[No. 99.]

AN ACT to amend section six of an act entitled "An act making an appropriation for the relief of sufferers by the great fire of eighteen hundred and eighty-one, in several counties of this State," approved March eleven, eighteen hundred and eighty-two.

SECTION 1. *The People of the State of Michigan enact*, That section six of an act entitled "An act making an appropriation for the relief of sufferers by the great fire of eighteen hundred and eighty-one, in several counties of this State," approved March eleven, eighteen hundred and eighty-two, be amended so as to read as follows: Section amended.

SEC. 6. There shall be assessed upon the taxable property of this State in the year eighteen hundred and eighty-two, the sum of one hundred and twenty-five thousand dollars, and in the year eighteen hundred and eighty-three the further sum of sixty-eight thousand Assessment ordered.

nine hundred dollars, to be assessed and levied in like manner as other State taxes are by law assessed, levied, and paid, which tax, when collected, shall be credited to the general fund, to reimburse to the same the sum to be drawn therefrom, as provided in this act.

This act is ordered to take immediate effect.

Approved May 16, 1883.

[No. 100.]

AN ACT to amend section twenty-one of an act entitled "An act to revise the laws providing for the incorporation of companies for mining, smelting, and manufacturing iron, copper, silver, mineral coal, and other ores, or minerals, and to fix the duties and liabilities of such corporations," approved May eleventh, eighteen hundred and seventy-seven, as amended by act number one hundred and eighty, of the session laws of eighteen hundred and eighty-one, approved May thirty-first, eighteen hundred and eighty-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-one, of act number one hundred and thirteen, of the session laws of one thousand eight hundred and seventy-seven, entitled "An act to revise the laws providing for the incorporation of companies for mining, smelting, and manufacturing iron, copper, silver, mineral coal, and other ores, or minerals, and to fix the duties and liabilities of such corporations," be, and the same is hereby amended so as to read as follows :

Companies may
purchase stock
in canal, harbor,
or plank road
companies, etc.

SEC. 21. It shall be lawful for any company, organized or existing, or which may hereafter be organized under this act, to subscribe for, or purchase stock in any company formed to construct canals, or harbors, and improve the same, or in any plank road, or railroad, when such improvement, or road, is constructed for the purpose of facilitating transportation to or from its mines, furnaces, or smelting works, or in any corporation, foreign or domestic, formed for the purpose of manufacturing, creating, or generating any kind of power or light, to be used as a mechanical agency, when such power or light is to be used wholly or in part in facilitating the operation of such mines, furnaces, or smelting works for the transaction of its business. It shall also be lawful for any company, organized or existing hereunder, to purchase, or construct and operate boats, or vessels, for the purpose of facilitating the transportation of its product, or the carrying of general freights, and it may charter such boats or vessels to other parties, for such purposes.

May purchase or
construct and
operate boats,
vessels, etc.

Ordered to take immediate effect.

Approved May 16, 1883.

[No. 101.]

AN ACT to fix the per diem compensation of members of the State legislature from the upper peninsula for and during the session of eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact*, That in addition to the compensation, mileage, and allowance for stationery, as fixed by law for members of the legislature, the members representing the upper peninsula shall be allowed and paid two dollars per diem as extra compensation during the session of the legislature of the year eighteen hundred and eighty-three. Extra compensation allowed.

Ordered to take immediate effect.

Approved May 16, 1883.

[No. 102.]

AN ACT to amend sections one and two of act one hundred and seven, of the general acts of eighteen hundred and seventy-one, entitled "An act to provide for the sale of perishable property," approved April thirteen, eighteen hundred and seventy-one, being consecutive sections six thousand one hundred and thirty-four and six thousand one hundred and thirty-five, of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That sections one and two of act one hundred and seven, of the general acts of eighteen hundred and seventy-one, entitled "An act to provide for the sale of perishable property," approved April thirteenth, eighteen hundred and seventy-one, being consecutive sections six thousand one hundred and thirty-four and six thousand one hundred and thirty-five, of the compiled laws of eighteen hundred and seventy-one, be and are hereby amended so as to read as follows: Sections amended.

(6134.) SEC. 1. That whenever the sheriff of any county shall, by virtue of any attachment or execution, issued by a court of record, levy upon any peaches, blackberries, raspberries, or strawberries, he shall proceed to sell the same at such time, place, and manner as he may deem most beneficial for the interest of the defendant. Sales by sheriff of peaches and berries taken on execution.

(6135.) SEC. 2. That whenever any constable shall, by virtue of any attachment or execution, issued by any justice of the peace, levy upon any peaches, blackberries, raspberries, or strawberries, he shall forthwith make his return to said justice, who by a written order shall authorize the constable to sell said property at such time, place, and manner as said justice shall deem most beneficial for the benefit of the defendant. Sales by constables.

This act is ordered to take immediate effect.

Approved May 18, 1883.

[No. 103.]

AN ACT making an appropriation for the support of the State agricultural college, for the erection and repair of buildings, and other improvements, at the said college.

Appropriation
made for
support, etc.

SECTION 1. *The People of the State of Michigan enact*, That there shall be, and is hereby appropriated out of the State treasury, the sum of eight thousand three hundred and eighty-five dollars, for the year one thousand eight hundred and eighty-three, and the sum of eight thousand three hundred and eighty-five dollars, for the year one thousand eight hundred and eighty-four, for the use and support of the State agricultural college.

For house,
boiler-house,
water-works,
etc.

SEC. 2. There shall be, and is hereby appropriated out of the treasury, the sum of three thousand dollars for a house for the professor of horticulture, five thousand dollars for the erection of a boiler house and chimney, four thousand two hundred and sixty-seven dollars for steam pump, pipes, hose, etc., for a system of water-works, and one thousand dollars for the purchase of mechanical tools.

For farmers'
institutes,
library,
repairs, etc.

SEC. 3. There shall be, and is hereby appropriated out of the State treasury, the sum of six hundred dollars for farmers' institutes, three thousand one hundred and twenty-five dollars for the library, seven hundred dollars for the department of mathematics and engineering, one thousand dollars for the chemical department, one thousand nine hundred and forty-five dollars for the zoölogical department, one thousand three hundred and forty-two dollars for the horticultural department, three thousand three hundred and eighty-nine dollars for the farm department, two thousand two hundred and thirty-one dollars for the botanical department, six thousand seven hundred and twenty dollars for repair of buildings. Said amounts embraced in this section aggregating twenty-one thousand and fifty-two dollars, to be paid, one half of the same in the year one thousand eight hundred and eighty-three, and one-half in the year one thousand eight hundred and eighty-four; which said moneys provided for in this act, or so much thereof as may be necessary, shall be expended, under the direction of the State board of agriculture, for the purposes aforesaid, and shall be drawn from the treasury on the presentation of the proper certificates of said board, to the auditor general, and on his warrant to the State treasurer.

When and
how paid.

Taxes for.

SEC. 4. There shall be assessed upon the taxable property of the State, in the year one thousand eight hundred and eighty-three, the sum of thirty-two thousand one hundred and seventy-eight dollars, and in the year one thousand eight hundred and eighty-four, the sum of eighteen thousand nine hundred and eleven dollars, to be assessed and levied in like manner as other taxes are by law assessed, levied, and paid, which tax, when collected, shall be credited up to the general fund, to reimburse to the same the sum to be drawn therefrom, as provided in this act, and any sums drawn under the provisions of this act, before the taxes herein authorized are collected, shall be returned when such taxes are collected,

which said moneys provided for in this act, or so much thereof as may be necessary, shall be expended under the direction of the State board of agriculture, for the purposes aforesaid, and shall be drawn from the treasury on the presentation of the proper certificates of said board, to the auditor general, and on his warrant to the State treasurer.

This act is ordered to take immediate effect.

Approved May 18, 1883.

[No. 104.]

AN ACT making an appropriation for grading the grounds of the State normal school, painting the buildings, building out-houses, and for making necessary repairs.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury the sum of seven thousand seven hundred dollars (\$7,700), for the year one thousand eight hundred and eighty-three (1883), for the purpose of grading grounds, building out-houses, walks, and storm-houses, painting buildings, and for making other necessary repairs, which sum shall be expended under the direction of the State board of education, for the purposes aforesaid, and shall be drawn from the treasury on the presentation of the proper certificates of the said board of education to the auditor general, and on his warrant to the State treasurer. Appropriation made.

SEC. 2. There shall be assessed upon the taxable property of the State in the year eighteen hundred and eighty-three (1883), the sum of seven thousand seven hundred dollars (\$7,700), to be assessed and levied in like manner as other State taxes are by law levied, assessed, and paid, which tax when collected shall be credited to the general fund to reimburse to the same the sum to be drawn therefrom as provided in this act. Tax for.

This act is ordered to take immediate effect.

Approved May 18, 1883.

[No. 105.]

AN ACT making an appropriation for the State industrial home for girls, for the years eighteen hundred and eighty three, and eighteen hundred and eighty-four.

SECTION 1. *The People of the State of Michigan enact*, That there be and there is hereby appropriated for the State industrial home for girls, the following sums of money, out of the general fund, to-wit: For the current expenses of said home for the year eighteen hundred and eighty-three, including the salaries of officers, pay of employes, fuel and lights, table and clothing expenses, books and Appropriation for current expenses, etc., out of general fund.

stationery, purchase of hay, grain, and feed, repairs on buildings, medicine, and medical instruments, hospital expenses, labor on grounds, etc., the sum of thirty thousand ninety-five dollars and fifty cents (\$30,095.50); also for the building of one cottage, and furnishing the [of] same, grading, walks, and fences, and for furnishing basement in chapel, and out-houses for chapel, twenty-three thousand six hundred and seventy-five dollars (\$23,675.00); also for the purchase of a safe, single carriage, bob-sleds, and telephone lines, the sum of four hundred and sixty dollars (\$460.00); also for building reservoir, wind-mill, well, pump, and making of the necessary steam and water connections, the sum of two thousand nine hundred and sixty-one dollars and eleven cents (\$2,961.11); also for purchase of fire hose, hose cart and ladders, six hundred and sixty-five dollars (\$665.00); also for the purchase of forty acres of land, eight thousand dollars (\$8,000.00). For the current expenses of said home, for the year eighteen hundred and eighty-four, the sum of thirty-five thousand seventy-four dollars and forty cents (\$35,074.40).

Assessment
of tax, etc.

SEC. 2. There shall be assessed upon the taxable property of the State, in the year eighteen hundred and eighty-three, the sum of sixty-five thousand eight hundred fifty-six dollars and sixty-one cents (\$65,856.61), and in the year eighteen hundred and eighty-four, thirty-five thousand seventy-four dollars and forty cents (\$35,074.40), to be assessed and levied in like manner as other State taxes are by law levied, assessed, and paid; which tax, when collected, shall be credited up to the general fund, to reimburse to the same the sum to be drawn therefrom, as provided in this act.

Ordered to take immediate effect.

Approved May 19, 1883.

[No. 106.]

AN ACT to amend section one hundred and twenty-nine (being compiler's section five thousand one hundred and sixty-five), of chapter one hundred and seventy-six, of the compiled laws of eighteen hundred and seventy-one, as amended by act number two hundred and seventy-three, of the public acts of eighteen hundred and eighty-one, approved June eleven, eighteen hundred and eighty-one, relative to the conveyance of land by infants, idiots, lunatics, and other incompetent persons, and the sale and disposition of their estate.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and twenty-nine, being compiler's section five thousand one hundred and sixty-five, of the compiled laws of eighteen hundred and seventy-one, as amended by act number two hundred and seventy-three, of the public acts of eighteen hundred and eighty-one, approved June eleven, eighteen hundred and eighty-one, be amended so as to read as follows:

(5165.) SEC. 129. Any infant, idiot, lunatic, or other incompetent person, seized of any real estate or of any interest therein, either in fee or as tenant for life or years, may apply to the circuit court in chancery for the county where the property may be situated, if the infant, idiot, lunatic, or other incompetent be not a resident of this State, and if a resident of this State, then, to the circuit court in chancery of the county in which he may be a resident, for the sale or disposition of such property, in the manner hereinafter directed. Sales of real estate of infants, idiots, etc.

If the applicant has a guardian, then the application shall be made by such guardian, and if he has no guardian, or the guardian is a non-resident, application may be made by a next friend, who may be authorized to act as such by said court: *Provided*, That if the application be by an idiot, lunatic, or other incompetent, his next friend shall be appointed, on the petition of the person, or persons, having the custody of the person of such idiot, lunatic, or other incompetent, and if the application be made by an infant, the appointment of such next friend shall be made on his petition, but the court, before authorizing a next friend to act for him, shall require proof that his guardian, if he have one, or his parents, or other near relatives, if he have no parents, have knowledge of the intention to make such application, and unless it shall appear that such persons have knowledge of such intention, may direct notice of the application to be given to such guardian, parents, or other relatives. When application to be made by guardian, etc. Proviso.

This act is ordered to take immediate effect.

Approved May 19, 1883.

[No. 107.]

AN ACT to amend section ten, of act number eighty-one, of the laws of eighteen hundred and seventy-three, entitled "An act to establish a State board of health, to provide for the appointment of a superintendent of vital statistics, and to assign certain duties to local boards of health," approved April twelve, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That section ten, of act number eighty-one, of the laws of eighteen hundred and seventy-three, entitled "An act to establish a State board of health, to provide for the appointment of a superintendent of vital statistics, and to assign certain duties to local boards of health," approved April twelve, eighteen hundred and seventy-three, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 10. The secretary of the State board of health may publish in his annual report such information, or statistics, as is provided for in this act. Annual report of secretary.

This act is ordered to take immediate effect.

Approved May 24, 1883.

[No. 108.]

AN ACT to define the duties of justices of the peace in certain cases.

When justices
to issue warrants
in criminal
cases.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful hereafter for justices of the peace to issue warrants in any criminal cases, except in cases not cognizable by justices of the peace, or breach of the peace committed in the presence of the officer making the arrest, until an order in writing allowing the same is filed with such justice, and signed by the prosecuting attorney for the county, or unless security for cost shall have been filed with said justice: *Provided*, This act shall in no way limit or affect the force of section eleven (11), of act number two hundred and fifty-nine, of the session laws of eighteen hundred and eighty-one, as to security for costs.

Proviso.

Acts repealed.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved May 24, 1883.

[No. 109.]

AN ACT to amend section four of chapter seventy-two, of the revised statutes of eighteen hundred and forty-six, being compiler's section four thousand four hundred and twenty-three, of the compiled laws of eighteen hundred and seventy-one, relative to the appointment of commissioners on claims against the estates of deceased persons.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of the revised statutes of eighteen hundred and forty-six, being compiler's section four thousand four hundred and twenty-three, of the compiled laws of eighteen hundred and seventy-one, relative to the appointment of commissioners on claims against the estates of deceased persons, be and the same is hereby amended so as to read as follows:

In case a com-
missioner shall
die, etc.

When commis-
sioners fail to
agree.

(4423.) SEC. 4. If any commissioner appointed by the probate court shall at any time die, remove out of the State, refuse, or become in any other way incapacitated to perform the duties of his appointment, the court may appoint another commissioner in his place; and in case where the court shall have appointed two commissioners, who are unable to agree upon the allowance or disallowance of any claim or claims which may have been presented to them, the court shall appoint another commissioner to act with them upon such claim or claims, and no further notice of the meeting or meetings shall be required in consequence of such appointment.

This act is ordered to take immediate effect.

Approved May 24, 1883.

[No. 110.]

AN ACT to amend sections thirty-five and thirty-six of an act entitled "An act to revise and consolidate the several acts relating to the support and maintenance of poor persons," approved April five, eighteen hundred and sixty-nine, being compiler's sections eighteen hundred and fifty and eighteen hundred and fifty-one.

SECTION 1. *The People of the State of Michigan enact, That* sections thirty-five and thirty-six of an act entitled "An act to revise and consolidate the several acts relating to the support and maintenance of poor persons," approved April five, eighteen hundred and sixty-nine, being compiler's sections eighteen hundred and fifty and eighteen hundred and fifty-one, be amended so as to read as follows:

(1850.) SEC. 35. No person shall be removed as a pauper from any city or township to any other city or township of the same or any other county, nor from any county to any other county, but every poor person shall be supported in the township, city, or county where he may be, as follows:

First, If he has gained a settlement in any township or city in such county, he shall be maintained by such township or city;

Second, If he has not gained a settlement in the county in which he shall become poor, sick, or infirm, he shall be supported by the superintendents of the poor, at the expense of the county;

Third, If such person be in a county where the distinction between township and county poor is abolished, he shall in like manner be supported at the expense of the county, and in both of the cases aforesaid, proceedings for his relief shall be had as herein-before provided;

Fourth, If such pauper shall be in a county where the respective townships are liable to support their poor, and has gained a settlement in some other township or city of the same county than that in which he may then be, he shall be supported at the expense of the township or city where he may be, and the supervisor shall give notice in writing to the supervisor of the township, or the director of the poor of the city, to which such pauper shall belong, or to one of them, requiring them to provide for the relief and support of such pauper.

(1851.) SEC. 36. If within ten days after the service of such notice, the supervisor or director of the poor to whom the same was directed, shall not proceed to contest the allegation of the settlement of such pauper, by giving the notice hereinafter directed, such supervisors or director of the poor, their successors, and the township or city which they represent, shall be forever precluded from contesting or denying such settlement. Such supervisor or director of the poor may, within the time aforesaid, give notice in writing to the supervisor of the township, or the director of the poor of the city where such pauper may be, that he will appear before the superintendents, at a place, and on a day therein speci-

Section amended.

Where paupers to be supported.

When township etc., precluded from contesting settlement.

Notice of appearance before superintendents.

Attendance of
witnesses.

Decision to be
filed with
county clerk.

fied, which day shall be at least ten days, and not more than thirty days from the time of the service of such notice, to contest the said alleged settlement. The county superintendents are hereby authorized, for such purposes, to issue subpoenas to compel the attendance of witnesses, and to administer oaths in the manner, and with the same power to enforce such process, as is given justices of the peace in any matter cognizable by them. Their decisions shall be filed in the office of the county clerk within thirty days after they are made, and shall be conclusive and final upon all parties interested.

Approved May 24, 1883.

[No. 111.]

AN ACT requiring mutual insurance companies doing business in this State to make yearly schedule, or circular itemized reports to each member thereof, residing in this State, of moneys received and disbursed, and from what source received, and for what purpose disbursed.

Report to be
furnished to
members by
companies.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the secretary of each mutual insurance company, doing business in this State, to make out and deliver by mail, or otherwise, each year, to each individual member of such company, a printed schedule, or circular itemized report, giving statement of all money, or moneys, received by such company during the year, and on what account, and from what source received, and the total amount received during the year; and also giving an itemized statement of all the money or moneys paid out, or disbursed during the year by such company, and for what purpose or purposes, also the total amount paid out.

Penalty for
neglect or
refusal.

SEC. 2. Any person, being a resident of this State, acting as secretary of any such mutual insurance companies, doing business in this State, who shall willfully refuse, or neglect to make out and deliver the reports, as provided in section one of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to a fine of not more than one hundred dollars.

Approved May 24, 1883.

[No. 112.]

AN ACT to amend sections one, two, and four, of act number fifty-three, public acts of eighteen hundred and seventy-seven, entitled "An act to provide for the better support of teachers' institutes, and to repeal sections three thousand seven hundred and eighty nine, three thousand seven hundred and ninety, and three thousand seven hundred and ninety-one, of the compiled

laws of eighteen hundred and seventy-one," approved April fifth, eighteen hundred and seventy-seven.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, and four, of act number fifty-three, of the public acts of eighteen hundred and seventy-seven, entitled "An act to provide for the better support of teachers' institutes, and to repeal sections three thousand seven hundred and eighty-nine, three thousand seven hundred and ninety, and three thousand seven hundred and ninety-one, of the compiled laws of eighteen hundred and seventy-one," approved April fifth, eighteen hundred and seventy-seven, be so amended as to read as follows:

SECTION 1. *The People of the State of Michigan enact*, That all boards or officers, authorized by law to examine applicants for certificates of qualification as teachers, shall collect, at the time of examination, from each male applicant for a certificate, an annual fee of one dollar, and from each female applicant for a certificate, an annual fee of fifty cents, and the director and secretary of any school board that shall employ any teacher who has not paid the fee hereinbefore provided, shall collect, at the time of making contract, from each male teacher so employed, an annual fee of one dollar, and from each female teacher so employed, an annual fee of fifty cents. All persons paying a fee as required by this section, shall be given a receipt for the same, and no person shall be required to pay said fee more than once in any school year.

SEC. 2. All such fees, collected by the director or secretary of any school board, shall be paid over to the secretary of the county board of school examiners of the county in which they were collected, on or before the fifteenth day of March, June, September, and December, accompanied by a list of those persons from whom they were collected, and all of such fees, together with all those that shall be collected by the county board of school examiners, shall be paid over by the secretary of said board of school examiners to the treasurer of the county in which they were collected, on or before the last day of March, June, September, and December, in each year, accompanied by a complete list of all persons from whom said fees were collected, and a like list, accompanied by a statement from the county treasurer that said fees have been paid to him, shall be sent by said secretary to the superintendent of public instruction. All moneys paid over to the county treasurer, as provided by this act, shall be set apart as a teachers' institute fund, to be used as hereinafter provided.

SEC. 4. The superintendent of public instruction, in case of inability personally to conduct any institute, or to make the necessary arrangements for holding the same, is hereby authorized to appoint some suitable person for that purpose, who shall be subject to the direction of said superintendent. Every teacher attending any institute held in accordance with the provisions of this act, shall be given by the superintendent of public instruction, or by the duly appointed conductor, a certificate setting forth at what sessions of said institute such teacher shall have been in attend-

Sections amended.

Boards to collect fees from applicants for certificates.

When to be collected by director, etc., of school board.

Receipt.

Disposition of fees.

In case of inability of superintendent.

Certificate of attendance.

Teachers
attending not to
forfeit wages.

ance, and any teacher who shall have closed his or her school, in order to attend said institute, shall not forfeit his or her wages as teacher, during such time as he or she shall have been in attendance at said institute, and the certificate hereinbefore provided shall be evidence of such attendance.

This act is ordered to take immediate effect.

Approved May 24, 1883.

[No. 113.]

AN ACT making appropriations for the institution for educating the deaf and dumb, for the years eighteen hundred and eighty-three and eighteen hundred and eighty-four.

Appropriation
for current
expenses, etc.

SECTION 1. *The People of the State of Michigan enact*, That the sum of forty-five thousand dollars for the year eighteen hundred and eighty-three, and the further sum of forty-five thousand dollars for the year eighteen hundred and eighty-four, or so much of said sums as may be necessary, are hereby appropriated to defray the current expenses of the institution for educating the deaf and dumb, including general repairs on buildings, furniture, beds, and bedding, and the expenses of operating the boot and shoe shop, broom shop, cabinet shop, and printing office.

Special ap-
propriation.

SEC. 2. And the further sum of six thousand one hundred and fifty dollars, or so much thereof as may be necessary, is hereby appropriated for the following special purposes: For the purchase of a steam pump, or for water supply from the city of Flint Holly water-works, the sum of one thousand dollars; for wire guards for basement windows, three hundred and fifty dollars; for wire mattresses and beds, three hundred dollars; for wooden bedsteads, four hundred dollars; for range boiler and cooking apparatus, five hundred dollars; for painting and calcimining, one thousand dollars; for relaying walks on the grounds of the institution, eight hundred dollars; for a wood-house three hundred dollars; for inside blinds for boys' and girls' sitting rooms, three hundred dollars; for library two hundred dollars; for repairing stone steps, five hundred dollars; for fire escapes, five hundred dollars.

Appropriation
for buildings,
etc.

SEC. 3. The further sum of thirty-three thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of erecting a building to be used for a kitchen, dining room, dormitory, and other purposes, including the building of a hospital, the putting in of heating apparatus, gas, and water pipes, plumbing, sewerage, and changing over chapel into dormitories, building water-closets, and other necessary changes.

Appropriations
to be taken from
general fund, etc.

SEC. 4. The several sums mentioned in this act are hereby appropriated out of the general fund, and passed to the credit of the institute fund, for the benefit of the institution for educating the deaf and dumb, and shall be paid to the board of trustees of said institution, at such time and in such manner, and amounts only, as are or may be provided by law, and may be made to appear to the auditor general

to be necessary for the immediate wants of said institution ; and in no case shall a greater sum be drawn at one time from the State treasury than five thousand dollars.

SEC. 5. Of the above mentioned sums the auditor general shall add to and incorporate with the State tax for the year eighteen hundred and eighty-three, the sum of sixty-four thousand five hundred and seventy-five dollars, and for the year eighteen hundred and eighty-four, the sum of sixty-four thousand five hundred and seventy-five dollars, which sums, when collected, shall be passed to the credit of the general fund.

Auditor general
to incorporate
with State tax.

This act is ordered to take immediate effect.

Approved May 24, 1883.

[No. 114.]

AN ACT to amend section five, of chapter eleven, of act number one hundred and sixty-four, of the laws of eighteen hundred and eighty one, relating to public instruction.

SECTION 1. *The People of the State of Michigan enact*, That section five, of chapter eleven, of act number one hundred and sixty-four, of the session laws of eighteen hundred and eighty-one, be amended so as to read :

Section
amended.

SEC. 5. The board of school inspectors shall cause the township library to be kept at some central or eligible place in the township, which it shall determine. Such board shall also, within ten days after the annual township meeting, appoint a librarian, for the term of one year, to have the care and superintendence of said library, who shall be responsible to the board of school inspectors for the impartial enforcement of all rules and regulations lawfully established in relation to said library.

Township
library.
Librarian,
duties, etc.

Approved May 24, 1883.

[No. 115.]

AN ACT to appropriate the remainder of the State internal improvement lands due from the United States to the State of Michigan, for the purpose of improving a certain State road in the county of Leelanaw.

SECTION 1. *The People of the State of Michigan enact*, That the unexpended balance of the State internal improvement lands, being three hundred and twenty-five acres, shall be and is hereby appropriated for the purpose of improving the State road from near the head of Grand Traverse Bay, in the county of Leelanaw, to Carp Lake, in the county of Leelanaw.

Appropriation
of internal im-
provement land.

SEC. 2. The governor is hereby authorized and empowered to appoint some suitable person to select said lands, and said commissioner when so appointed, shall be authorized and empowered to

Appointment of
commissioner,
selection of
lands, etc.

select from any unsold or unappropriated government lands within this State, the unselected balance of the half million acres of land heretofore granted by congress to this State, for purposes of internal improvement; the same, when so selected, to be set apart for the improvement of the highway hereinbefore described, to be expended by said commissioner, or in case of his death, resignation, or removal, by any other the governor may appoint in his stead.

Duty of commissioner of State land office in reference to.

SEC. 3. Said lands, when conferred to the State, shall be held for the specific purpose aforesaid, and it shall be the duty of the commissioner of the State land office to withhold the same from market, issuing no certificate of purchase therefor, or any part thereof, except upon the order of said commissioner, accompanied by a certificate that the same is in payment of labor actually performed on account of said road, or in payment of commissioner's services, as provided in section five of this act.

Powers and duties of commissioner.

SEC. 4. Said commissioner shall, by virtue of this act, have control and management of the improvement herein provided for, and shall have power to let out by contract the opening and improving of such road, in such parts or divisions as he may think expedient, to the lowest bidder, who shall execute and deliver to said commissioner a bond with good and sufficient sureties, and conditioned for the faithful performance of the work stipulated in the contract.

Idem.

Compensation of commissioner, etc.

SEC. 5. Said commissioner shall proceed in the outlay of this appropriation with all diligence and dispatch compatible with proper economy and the best interest of the public, and shall receive for his services a sum not exceeding two dollars a day, which compensation shall be credited and allowed by the auditor general, upon a bill of such services presented to him, and sworn by the commissioner performing the same, to be a true bill of services actually performed by said commissioner, and that all such services were necessary in the proper expenditure of this appropriation; and upon auditing and allowing such bill, the auditor general shall draw his warrant on the commissioner of the State land office, and in favor of such commissioner, for the amount so audited, which amount shall be paid out of lands herein appropriated, computing the same at the rate of one dollar and twenty-five cents per acre.

Oath and bond of.

SEC. 6. Said commissioner, before entering upon the duties conferred by this act, shall take and subscribe the constitutional oath of office, and file a sufficient bond with the auditor general, conditioned for the faithful discharge of his duties as such commissioner.

Approved May 24, 1883.

[No. 116.]

AN ACT to amend section nine (9) of article two of act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-three, being an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix

the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," as amended by act number one hundred and seventy-seven, session laws of eighteen hundred and seventy-seven.

SECTION 1. *The People of the State of Michigan enact*, That section nine of article two of act number one hundred and ninety-eight, of the session laws of one thousand eight hundred and seventy-three, being an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," as amended by act number one hundred and seventy-seven, session laws of one thousand eight hundred and seventy-seven, be and the same is hereby amended so as to read as follows:

(35.) SEC. 9. Every such corporation shall possess the general powers, and be subject to the liabilities and restrictions following, that is to say:

First, To cause such examinations and surveys for the proposed railroad to be made, as may be necessary to the selection of the most advantageous route for the road, and for such purposes, by its officers, agents, and servants, to enter upon lands or waters of any person or company, but subject to liability for all damages which they shall do thereto;

Second, To receive, hold, and take such voluntary grants and donations of real estate, and other property, as shall be made to it to aid in the construction, maintenance, and accommodation of such road, but the real estate thus received, by voluntary grant, shall be held and used for the purposes of such grant only;

Third, To purchase, and, by voluntary grants and donations, receive and take, and by its officers, engineers, surveyors, and agents, enter upon, and take possession of, hold and use all such lands and real estate, franchises, and other property, as may be necessary for the construction, maintenance, and accommodation of its railroad and stations, depots, and other accommodations; but the same shall not be appropriated until the compensation to be made therefor is agreed upon by the parties, or ascertained as herein prescribed, to be paid to the owners, or deposited as hereinafter directed, unless the consent of such owner be given therefor;

Fourth, To lay out its road, not exceeding one hundred feet in width, and to construct the same, and, for the purpose of cuttings or embankments, and procuring stone, gravel, or other material, or for the purpose of draining its road bed, to take, in the manner herein provided, such further lands adjacent to and in the vicinity of its road, as may be necessary for the proper construction, operating, and security of its road;

Fifth, To construct its road upon or across any stream of water, water-course, private road, street, lane, alley, or highway, and across any plank-road, railroad, or canal which the route of its road shall lie along, or intersect; but the corporation shall restore the stream,

Section amended.

Powers and liabilities.

To make surveys.

Liability for damages.

To receive, hold, etc., grants of property.

To purchase and hold property for construction of road.

To lay out and construct road.

Construction across streams, roads, streets, canals, etc.

Construction upon streets, etc.	<p>water-course, private road, street, alley, lane, highway, plank-road, railroad, or canal to its former state, as near as may be, but shall not materially obstruct the navigation of any stream, nor obstruct any public highway; or street, by cars or trains, for more than five minutes at any one time; and shall construct suitable road and street-crossings, for the passage of teams, by fitting down planks between, and on each side of the rails of such road, the top of which shall be at least one-half inch higher than the top of the rails of such road; and in case of the construction of such railway upon any public street, lane, alley or highway, the same shall be on such terms and conditions as shall be agreed upon between the railroad company and the common council of any city, or the village board of any village, or the commissioners of highways of any township in which the same may be; but such railway shall not be constructed upon any public street, lane, alley, highway, or private way, until damages and compensation be made by the railroad company therefor, to the owner or owners of property adjoining such street, lane, alley, highway, or private way, and opposite where such railroad is to be constructed, either by agreement between the railroad company and each owner, or owners, or ascertained as herein prescribed for obtaining property or franchises for the purpose of its incorporation, to be paid to the owner thereof, or deposited as hereinafter directed;</p>
Compensation to adjacent owners.	<p><i>Sixth,</i> To cross, join, and unite its railroads with any other railroad, now or hereafter constructed, under any law whatever, at any point on its route, and upon the grounds of such other railroad now or hereafter constructed, with the necessary turnouts, sidings, and switches, and other accommodations and conveniences, in furtherance of the objects of its connections; and to make all such business arrangements as said companies may agree upon. And every company, whose railroad shall be intersected by any other railroad, shall unite with the owners of such other railroads, in forming such intersections, and connections, and grant facilities for the same, as hereinafter provided;</p>
To unite, etc., with other roads.	<p><i>Seventh,</i> To take, transport, carry, and convey persons and property on their said road, by the force and power of steam, animals, or any mechanical power, or by any combination of them, and to receive tolls and compensation therefor: <i>Provided,</i> That in transporting freight by the car, loaded by the shipper, and unloaded by the consignee, no railroad company shall charge for transporting each of such cars more than eight dollars for any distance not exceeding ten miles, nor more than fifty cents per mile for the second ten miles, nor more than twenty-five cents per mile for the third ten miles; and for distances exceeding thirty miles, in no case shall the charge between any two points, on the said railroad, exceed the minimum charge on the entire line. This provision shall not apply to the upper peninsula, nor to any company operating less than fifteen miles of railroad;</p>
Transportation of persons and property.	<p><i>Eighth,</i> To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures, and machinery for the accom-</p>
Provide in reference to amount to be charged.	
To erect buildings, etc.	

modation and use of their passengers, freight, and business, and to obtain and hold all the lands necessary therefor;

Ninth, To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for transporting any passenger, and his or her ordinary baggage, not exceeding in weight one hundred pounds, shall not, except on railroads operating less than twenty miles of road, exceed the following prices, viz.: For a distance not exceeding five miles, four cents per mile; for all other distances, not exceeding three cents per mile; and no fare shall be less than five cents, and that amount in any case may be charged and collected; and the price of tickets may, for convenience in making change, be fixed for that multiple of five which is nearest the exact amount of the fare in each case, as fixed by the foregoing rates: *Provided*, That in the upper peninsula five cents per mile may be charged and collected on all railroads: *And provided further*, That the provisions of this act shall not apply to the Paw Paw railroad.

To regulate time and manner of transportation and compensation.

Proviso.

Further proviso.

Approved May 24, 1883.

[No. 117.]

AN ACT to amend section seven of act number two hundred and two, of the session laws of eighteen hundred and seventy-seven, as amended, relative to the erection and maintenance of shutes for the passage of fish through the dams across the streams of this State.

SECTION 1. *The People of the State of Michigan enact*, That section seven of act number two hundred and two, of the session laws of eighteen hundred and seventy-seven, as amended, relative to the erection and maintenance of shutes for the passage of fish through the dams across the streams of this State, be amended so as to read as follows:

Section amended.

SEC. 7. The supervisor of each township is hereby made inspector of dams in his township during his term of office, and it shall be his duty, upon the application of twelve freeholders in his township, to lay their application before the board of supervisors at their next regular meeting, and upon the approval of said board, he shall cause to be constructed by the owner of said dam a fish shute, or ladder, as provided by the terms of this act, the expense thereof to be audited and allowed by said board of supervisors, and paid out of the general or contingent fund of said county. It shall be the duty of the supervisor to prosecute, in the name of the people, with the aid of the prosecuting attorney of his county, in all cases where this law is not complied with. The supervisor shall be paid out of the contingent fund of the county the sum of two dollars for every day actually spent in the inspection of dams in his township, or while actually employed or engaged in the prosecution of any

Supervisor to be inspector of dams.

Duty in reference to construction of fish shutes.

Expense of.

Prosecutions for non-compliance.

Pay of supervisor.

suit under this act, to be allowed and paid by the board of supervisors.

This act is ordered to take immediate effect.

Approved May 24, 1883.

[No. 118.]

AN ACT to amend section one of an act entitled "An act for the payment of the salaries of the State officers," approved April seventeenth, eighteen hundred and seventy-one, being section four hundred and twenty, of the compiled laws of eighteen hundred and seventy-one. Said section one, compiled section four hundred and twenty, being as amended by act number one hundred and seventy-one, of the session laws of eighteen hundred and seventy-five, act number sixty-one, of the session laws of eighteen hundred and seventy-nine, and act number two hundred and twenty-four, of the session laws of eighteen hundred and eighty-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act, entitled "An act for the payment of the salaries of the State officers," approved April seventeenth, eighteen hundred and seventy-one, being section four hundred and twenty, of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and seventy-one, of the session laws of eighteen hundred and seventy-five, act number sixty-one, of the session laws of eighteen hundred and seventy-nine, and act number two hundred and twenty-four, of the session laws of eighteen hundred and eighty-one, be amended to read as follows:

Salaries of State
officers, deputies,
and clerks.

SECTION 1. That there be and the same is hereby appropriated out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums for the salaries of the State officers for the year eighteen hundred and eighty-three, and each year thereafter: For governor, one thousand dollars; for the salaries of the justices of the supreme court, four thousand dollars each; for the salaries of the judges of the circuit courts, and the judge of the recorder's court of the city of Detroit, two thousand five hundred dollars each; for the salary of the auditor general, two thousand dollars; for the salaries of the State treasurer, secretary of the board of agriculture, and superintendent of public instruction, one thousand dollars each; for the salaries of the commissioner of the State land office, the secretary of State, and attorney general, eight hundred dollars each; for the salary of the State librarian, one thousand dollars; for the salary of the deputy State treasurer, and deputy auditor general, one thousand eight hundred dollars each; for the salaries of the deputy secretary of State, and the deputy commissioner of the State land office, one thousand eight hundred dollars each; for the salary of the deputy superintendent of public instruction, one thousand eight hundred dollars; for the salary of the governor's private secretary, sixteen hundred

dollars; for the salary of the cashier, book-keeper, and chief clerk of the State treasurer's office, the book-keeper and chief clerk of the auditor general's office, the book-keeper, draughtsman, and chief clerk of the State land office, and for the chief clerk of the secretary of State's office, twelve hundred dollars each; for the salary of the assistant book-keeper, and private secretary of the auditor general's office, and three clerks of the secretary of State's office, eleven hundred dollars each; for such additional clerks in the auditor general's office, State land office, State treasurer's office, office of the secretary of State, the office of the State board of health, and the office of the superintendent of public instruction, as may be necessary, not exceeding at the rate of one thousand dollars each per annum, for the time employed; for the salary of the clerk of the attorney general, one thousand dollars: *Provided*, That if said attorney general shall find it necessary to employ more than one clerk, a sum not exceeding five hundred dollars additional is appropriated; said fifteen hundred dollars to be used for clerks' salaries at his discretion.

This act is ordered to take immediate effect.

Approved May 25, 1883.

[No. 119.]

AN ACT to amend compiler's section four thousand five hundred and seventy, being section twenty-six, chapter one hundred and sixty-three of compiled laws of eighteen hundred and seventy-one, relative to the sale of real estate by administrator or executor for the purpose of distribution.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-six of chapter one hundred and sixty-three of the compiled laws of eighteen hundred and seventy-one, being compiler's section forty-five hundred and seventy, be and the same is hereby amended so as to read as follows:

(4570.) SEC. 26. When a testator shall have given any legacy by a will that is effectual to pass or charge real estate, and his goods, chattels, rights, and credits shall be insufficient to pay such legacy, together with his debts and charges of administration, the executor or administrator, with the will annexed, may be licensed to sell his real estate for that purpose, or when a testator shall have given any real estate to two or more persons, and it shall appear to the satisfaction of the judge of probate having jurisdiction of the case, upon the application of any person interested in said real estate as devisee or legatee, and after a full hearing thereon, that it is necessary or will be for the best interest of the persons interested in said real estate as such devisees or legatees, to sell the same for the purpose of distribution; or when a person shall die intestate, and it shall be shown to the satisfaction of the probate judge having jurisdiction of the case, that it is necessary, or for the interest of the persons interested in the estate of such intestate, to sell the real estate of such intestate persons, for the purposes of distribution,

Section amended.

When assets insufficient to pay legacy, etc., real estate may be sold.

When real estate devised may be sold for distribution.

Real estate of intestates sold for distribution.

Proviso.

the administrator may be licensed to sell the real estate of such person, in the same manner, and upon the same terms and conditions as are prescribed in said chapter in the case of a sale for the payment of debts: *Provided*, That in case of a testate estate the application shall be approved by the persons owning a majority in interest of said real estate.

Approved May 25, 1883.

[No. 120.]

AN ACT to amend section forty-two (42), of chapter one hundred and seven (107), of the revised statutes of eighteen hundred and forty-six, being section six thousand one hundred and eighty-seven (6187), of the compiled laws of eighteen hundred and seventy-one, relative to defects in bonds.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section forty-two (42), of chapter one hundred and seven (107), of the revised statutes of eighteen hundred and forty-six, being section six thousand one hundred and eighty-seven (6187), of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Amending defective bonds and substituting new ones.

(6187.) SEC. 42. Whenever such bond has been heretofore, or shall hereafter be given, and shall be defective in any respect, the court officer, or body who would be authorized to receive the same, or to entertain any proceedings in consequence of such bond, if the same had been perfect, may, on the application of all the obligors therein, amend the same in any respect, or may, on the application of the person required to give such bond, allow a new one to be substituted in the place thereof, bearing date at the time when such bond was required to be given, and such bond shall thereupon be deemed valid from the time of the execution of such defective bond. When application is made to amend, said court, officer, or body shall have power to amend such bond in any respect, and without regard to the particular amendment applied for, so as to make said defective bond such a one as might have been required when the latter was given. When a new bond is allowed, it shall be such in form, penalty, and other respects, as might have been demanded when the defective bond was given.

Approved May 25, 1883.

[No. 121.]

AN ACT to amend an act entitled "An act relative to the organization and powers of fire and marine insurance companies transacting business within this State," approved April three, eighteen hundred and sixty-nine, as amended by the several acts amendatory thereof, by adding a new section thereto, to stand as section forty-two, of said act.

Section added.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act relating to the organization and powers of fire

and marine insurance companies transacting business within this State," approved April three, eighteen hundred and sixty-nine, as amended by the several acts amendatory thereof, be amended by adding thereto section forty-two of said act, as follows:

SEC. 42. Any mutual insurance company organized under the laws of any other State, in the United States, possessed of not less than two hundred thousand dollars in premium notes (face value) of solvent parties, and not less than ten thousand dollars, either of cash on deposit, or securities immediately convertible into cash for that amount, which would or shall limit its business to the class of risks hereinafter named, may be admitted to take risks upon mills, factories, and their accessories, such as elevators, warehouses, lumber yards, stores, and other property forming a part of such manufacturing property, and transact such business in this State, on complying with the provisions of the act of which this is amendatory, as to fire insurance companies, so far as the same may be applicable to mutual fire insurance companies, and compliance with the provisions of this act within the six months next succeeding its going into effect, by any company, shall be deemed to relieve the companies so complying, from all penalties or disabilities imposed, or sought to be imposed, by section six of an act entitled "An act to prevent the soliciting or issuing of unauthorized fire or inland marine insurance policies in this State," and approved May twelve, eighteen hundred and eighty-one, or under any other statutes of this State, except as herein otherwise provided: *Provided, however*, That no such company shall be admitted until it has paid into the office of the State treasurer, a specific tax of three per cent on the gross amount of all cash premiums received by it, for insurance on property situated in this State, prior to the time when this act takes effect: *And provided further*, That no insurance company which has violated the provisions of said act, shall be admitted until it has paid into the office of the State treasurer a penalty of two hundred and fifty dollars. The term premium as used in this section, for the purpose of taxation, shall be construed to mean all moneys either heretofore or hereafter received by any insurance company, whether as original payments, or by way of subsequent assessments on premium note, and no other moneys. Before being admitted to do business under the provisions of this section, each of said mutual insurance companies shall furnish to the commissioner of insurance, a schedule of the notes held by it, no one of which shall exceed the sum of five thousand dollars, and each yearly statement shall contain a similar schedule. The solvency of which notes shall be subject to the approval of said commissioner, who may revoke the authority of any company to do business in this State, at any time when a reduction of fifteen per cent has been made in its notes, or assets required by this section. The notes required by this section, shall be liable to assessment by any of said companies, for any of its losses, and shall constitute a first lien on the insured property. In ascertaining the amount of premiums upon which the tax is to be computed by any company, no deduction for re-insurance shall be made except the re-insurance

Companies organized under laws of other States may take certain risks, etc., when.

Compliance with provisions, relieves from penalties, etc.

Proviso.

Further proviso.

How term premium construed.

Schedules to be furnished to commissioner of insurance.

Revocation of authority of companies, etc.

Notes liable to assessment.

Computing premiums on which tax to be paid.

is in companies authorized to do business in this State. Mutual companies shall not re-insure any risk, except by consent of the insured, and detailed statements of all re-insurances by such companies shall be included in the annual statements filed in the insurance bureau by them.

This act is ordered to take immediate effect.

Approved May 25, 1883.

[No. 122.]

AN ACT to provide for marking and branding live-stock.

Owners may
adopt brand, etc.

To be recorded.

Proviso.

Duties of county
clerks in
recording.

Fee for.

Penalty for
changing, etc.,
brand.

SECTION. 1. *The People of the State of Michigan enact*, That every person who has cattle, horses, hogs, sheep, goats, or any other domestic animals, may adopt an ear-mark or brand, which ear-mark or brand may be recorded in the office of the county clerk of the county where such cattle, horses, hogs, sheep, goats, or other domestic animals shall be: *Provided*, That the mark or brand so adopted and recorded shall be different from all other marks or brands, adopted and recorded in such county.

SEC. 2. It shall be the duty of the county clerks of the several counties of this State, to keep a book in which they shall record the mark or brand adopted by each person who may apply to them for that purpose, for which they shall be entitled to demand and receive twenty-five cents.

SEC. 3. If any person shall mark or brand, or alter or deface the mark or brand of any horse, mare, colt, jack, jenny, jennet, mule, or any one or more head of neat cattle or sheep, goat, hog, shoat, pig, or other domestic animal, the property of another, with intent thereby to steal the same, or to prevent identification thereof by the true owner, he shall be deemed guilty of felony, and shall be punished by imprisonment at hard labor in the State prison, not to exceed two years, or by fine of not more than two hundred dollars, or both, in the discretion of the court.

This act is ordered to take immediate effect.

Approved May 25, 1883.

[No. 123.]

AN ACT to amend section nine of act fifty-eight, of the session laws of eighteen hundred and seventy-one, approved March twenty-ninth, eighteen hundred and seventy-one, being compiler's section two thousand two hundred and ninety, relative to the corporate rights of trust, deposit, and security companies.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section nine of act fifty-eight, of the session laws of eighteen hundred and seventy-one, approved March twenty-ninth, eighteen hundred and seventy-one, being compiler's section two thousand two

hundred and ninety, be and the same is hereby amended so as to read as follows:

(2290.) SEC. 9. Any corporation organized under this act shall have power, in and by its corporate name, to accept and execute any trust which may be created by instruments in writing, appointing such corporation, trustees, for any lawful purpose, or which may be conferred upon it as executor or administrator of the estate and effects of any deceased person, by any last will and testament of any deceased person, or by appointment of the probate court of any county in this State, and to act as such trustee, executor, or administrator, in any and all matters embraced in such trust, or contemplated by such appointment; to take and receive from any individual or corporation on deposit for safe keeping and storage, gold and silver plate, jewelry, money, stock, securities, and other valuable and personal property, and may have power to collect coupons, interest, and dividends, on said above described securities, and to rent out the use of safes and other receptacles on their premises, upon such terms and for such compensation as may be agreed upon; to become security for administrators, guardians, or other trustees, or persons in cases where by law or otherwise one or more sureties are required, for a rate of compensation and upon such terms and conditions as shall be established by the directors of any such corporation. Such corporation shall have a lien on any gold and silver plate, jewelry, money, stocks, securities, and other valuable and personal property taken or received on deposit by it for safe keeping, as provided in this act, and in case such lien shall not be paid within two years from the date such lien shall accrue, or in case any property so taken or received by it shall not be called for by the person or persons so depositing the same, or his or their legal representatives or assigns within two years from the date of the accruing of any lien upon the same, then such corporation may sell such property at public auction upon like notice as is required by law for constable sales on execution, and after retaining from the proceeds of such sale all liens and charges due and owing at the time of said sale, and the reasonable expenses of the same, shall pay the balance thereof to the person or persons so depositing such property, or his or their legal representatives or assigns.

Corporation may accept and execute trusts.

May take what, on deposit.

To rent use of safes, etc.

May become security in certain cases.

To have lien on property deposited.

May sell property in certain cases.

Approved May 25, 1883.

[No. 124.]

AN ACT to authorize cities and villages to take private property for the use or benefit of the public, and to repeal act number twenty-six, of the public acts of eighteen hundred and eighty-two.

SECTION 1. *The People of the State of Michigan enact*, That the common council of any city, and the board of trustees of any village in this State, is hereby authorized to take private property for the use or benefit of the public, within the limitation of the State

Common council, etc., authorized.

	constitution, and to institute and prosecute proceedings for that purpose.
How and when proceedings commenced.	SEC. 2. Such proceedings may be commenced and prosecuted under this act, whenever the common council or board of trustees shall have declared a public improvement to be necessary in the municipality, and shall declare that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that the improvement is for the use, or benefit, of the public. They shall, by resolution, direct the city or village attorney to institute the necessary proceedings in behalf of the municipality, in the proper court, to carry out the object of the resolution in regard to taking private property by the city or village. Jurisdiction is hereby conferred upon the circuit court for the county in all cases brought under this act: <i>Provided</i> , That in cities having a recorder's court, the proceedings shall be instituted and prosecuted in that court, and in cities having a superior court, and no recorder's court, such proceedings shall be instituted and prosecuted in such superior court.
City or village attorney to institute proceedings.	
Jurisdiction of circuit courts.	
Proviso.	
Petition to be filed by attorney.	SEC. 3. The city or village clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolutions, certified under seal, and it shall be the duty of such attorney, to prepare and file in the name of the city or village, in the court having jurisdiction of the proceeding, a petition signed by him in his official character, and duly verified by him, or by some person having knowledge of the facts; to which petition a certified copy of the resolutions of the common council, or board of trustees, shall be annexed, which certified copy shall be <i>prima facie</i> evidence of the action taken by the common council or the board of trustees, and of the passage of said resolutions. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality, in pursuance of this act, to acquire the right to take private property for the use or benefit of the public, without consent of the owners for a public improvement, designating it, for a just compensation to be made. A description of the property proposed to be taken shall be given, and generally the nature and extent of the use thereof, that will be required in making and maintaining the improvement, shall be stated, and also the names of the owners, and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the common council, or board of trustees, has declared such public improvement to be necessary, and that they deem it necessary to take the private property, described in that behalf, for such improvement, for the use or benefit of the public. The petition shall ask that a jury be summoned and empaneled to ascertain and determine whether it is necessary to take such private property, as it is proposed to take, for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things, and may pray for any other or further relief, to which the municipality may be entitled, within the object of this act.
What petition to state.	

SEC. 4. Upon receiving such petition, it shall be the duty of the clerk of said court to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said court, at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Clerk to issue summons.

SEC. 5. Said summons shall be served by the sheriff, under sheriff, or a deputy sheriff, of the county, at least five days before the return day thereof, upon all the respondents found within the county, by exhibiting the original, and delivering a copy to each of them. If any respondent, who is a resident of the county, cannot be found, the summons shall be served by leaving a copy thereof at his or her usual, or last place of abode, with some person of suitable age and discretion. If any minor, or person of unsound mind, is interested in the premises to be taken, service may be made upon the guardian of such person, if any, and if there is no guardian the court may appoint some discreet and proper person, to be guardian for such person, in such proceedings; any such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found in the county, and has not been served in the manner provided, or is a non-resident, and has not voluntarily appeared, the court may make an order requiring such respondent, or respondents, to appear and show cause why the prayer of the petition should not be granted, on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served upon such respondents wherever found, if practicable, at least six days before the time named in the order for appearance; or the court may make such order for appearance, and require, as to any or all such non-resident respondents who shall not have been served, and have not appeared, that service be made by publishing a certified copy of such order, for three successive weeks, at least once in each week, in at least one newspaper published within the municipality, if there be one, and if not, then in a paper published in the county, the last publication to be at least six days before the day fixed in the order for appearance. Alias and pluries summons may be issued, and the court may adjourn the proceedings from time to time, as there shall be occasion, and as in other civil cases. Service of such order for appearance, in either mode prescribed, shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons, and an affidavit of the due service, or publication of the order for appearance, if any, shall be filed in the clerk's office before a jury shall be empaneled, and be sufficient evidence of service on the respondents and of the manner of service.

Service of summons.

When minor or person of unsound mind is interested.

When respondent is a non-resident.

Service by publication.

Alias and pluries summons.

Return of officer.

Empanelling
a jury.

SEC. 6. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of twelve freeholders of the the municipality, and shall be selected and empaneled as follows: The sheriff, under sheriff, or a deputy sheriff of the county, shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, or village, and the city or village attorney, in person, or by an assistant or deputy, and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and, subject to objection for cause, the twelve persons whose names are left on the list shall compose the jury for the trial of the cause, and shall be summoned to attend at such time as the court shall direct, by a *venire* issued by the clerk of the court, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the judge of the court, and in case any of the persons to be summoned cannot be found in the county, or being summoned do not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications, may be summoned as jurors in the case, by such sheriff, or sheriff's officer, or authorized person, and the practice and proceedings under this act, except as herein provided, relative to empanelling, summoning, and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of the circuit courts of the State, relative to petit jurors in civil cases, in such courts, except that peremptory challenges shall not be allowed.

Oath of jurors.

SEC. 7. The jurors so empaneled shall be sworn, or shall affirm in substance as follows: You do solemnly swear, or affirm, that you will well and truly ascertain and determine whether there is necessity for taking for the use or benefit of the public, the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to take said property, that then you ascertain, determine, and award the just compensation to be made therefor, and faithfully and impartially discharge all such other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give according to law and the evidence, so help you God, or under the pains and penalties of perjury. The jury shall hear the proofs and allegations of the parties, and, if so ordered by the court, shall go to the place of the intended improvement, in the charge of an officer, and upon, or as near as practicable to, any property proposed to be taken, and examine the premises. They shall be instructed as to their duties, and the law of the case, by the judge of the court, and shall retire under the charge of an officer, and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing, and be signed by the foreman, or by all the jurors.

Jury to hear
proofs and
allegations.

To receive
instructions
in law.

What verdict
to determine.

SEC. 8. The jury shall determine in their verdict the necessity for taking such private property for the use or benefit of the public for

the proposed improvement, and in case they find that such necessity exists they shall award to the owners of said property and others interested therein such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement, or other lien, estate, or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

When property subject to mortgage, etc.

SEC. 9. To assist the jury in arriving at their verdict the court may allow the jury, when they retire, to take with them the petition filed in the case and a map showing the location of the proposed improvement and of each and all the parcels of property to be taken, and may also submit to them a blank verdict which may be as follows:

Jury may take petition, etc., to jury room.

PART I.

We find that it is necessary to take the private property described in the petition in this cause, for the use and [or] benefit of the public, for the proposed public improvement.

Blank verdict.

PART II.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, occupants, and others interested in each parcel.	Compensation.	To whom payable.
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

The different descriptions of the property and the names of the occupants, owners, and others interested therein, may be inserted in said blank verdict, under the direction of the court, before it is submitted to the jury, or it may be done by the jury.

SEC. 10. The verdict of the jury may be set aside by the court and a new trial ordered as in civil suits at law in the circuit courts of this State. Amendments either in form or substance may be allowed in any paper, petition, process, record, or proceeding, or in the description of property proposed to be taken, or the name of any person, whether contained in a resolution passed by the common council, or board of trustees, or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

Setting aside verdict.

Amendments.

SEC. 11. Motions for a new trial or to arrest the proceedings shall be made within two days after the rendition of the verdict, unless further time is allowed by the court; and if no such motion is made, or being made is overruled, the court shall enter an order or

Motions for new trial, etc.

Confirmation of verdict.

judgment confirming the verdict of the jury; and such judgment of confirmation, unless reversed by the supreme court, shall be final and conclusive as to all persons interested therein.

Appeals.

SEC. 12. Any person whose property may be taken, considering himself aggrieved, may appeal from the judgment of the court confirming the verdict of the jury by filing in writing with the clerk of said court a notice of such appeal within five days after the confirmation, and within the same time serving a copy thereof on the city or village attorney, and filing a bond in said court, to be approved by the judge thereof, conditioned for the prosecution of said appeal to judgment and the payment of all costs, damages, and expenses that may be awarded against him, in case the judgment of confirmation shall be affirmed. Such appeal shall be perfected within the same time, and prosecuted as an appeal in chancery, as near as may be, subject to the provisions of this act.

Appeal bond.

Perfecting appeal.

Duty of clerks on appeal.

SEC. 13. In case of such appeal the clerk of the court, on payment of his legal fees and charges, shall transmit to the supreme court a certified copy of the necessary files, records, and proceedings in the case; and the judge of the court shall, at the request of the appellant, settle a case according to the usual practice of said court, showing the material evidence and instructions given to the jury bearing upon any disputed points to which exception was taken, and the objections, rulings, and exceptions in the case, all of which shall be returned by said clerk as part of the records, to the clerk of the supreme court.

Hearing on appeals.

Costs.

SEC. 14. The said appeal may be brought on for a hearing at any term of the supreme court, and said court may affirm, or for any substantial error reverse, the judgment and may grant a new trial. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and give judgment as in other chancery appeals, and all costs, damages, and expenses awarded to the city or village, if it so elect, may be applied on or deducted from the compensation, if any, to be paid, or execution may issue on the judgment. Damages may be awarded against a party appealing without reasonable cause.

Clerk to transmit certified copy of proceedings.

Assessment according to benefits.

SEC. 15. When the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or, if an appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court, affirming the judgment of confirmation, it shall be the duty of the clerk of the court to transmit to the common council or board of trustees a certified copy of the verdict of the jury, and of the judgment of confirmation, and of the judgment, if any, of affirmance; and thereupon, the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the common council or board of trustees believe that a portion of the city or village, in the vicinity of the proposed improvement, will be benefited by such improvement, they may, by an entry in their minutes, determine that the whole or any just portion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited; and

thereupon they shall, by resolution, fix and determine the district or portion of the city or village benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may, to the advantage which such lot, parcel, or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in the charter of the municipality for assessing, levying, and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments, when ratified and confirmed by the common council, shall be final and conclusive, and *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made, until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided shall be assessed, levied, and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected in such city or village. At any sale which takes place of the assessed premises or any portion thereof, delinquent for non-payment of the amount assessed and levied thereon, the city or village may become a purchaser at the sale.

Making and collection of assessment.

When assessment roll to be final.

Assessment for portion of award not hereinbefore provided for.

City, etc., may become purchaser at tax sale.

SEC. 16. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be affirmed, the common council, or board of trustees, shall set apart and cause to be provided in the treasury the amount required to make compensation to the owners and persons interested, for the private property taken, as awarded by the jury; and shall, in the resolution setting apart and providing said sum, direct the city or village treasurer to pay to the persons respectively entitled to the money so set apart and provided, to each his or her proportion, as ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The common council or board of trustees may provide the necessary amount by borrowing from any other money or fund in the treasury, and repay the same from money raised to pay the compensation awarded by the jury, when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk; which certificates

Provision for amount to make compensation.

Treasurer to hold money.

Council, etc., may borrow money.

Duty of treasurer.

When council or trustees may take possession.	shall be <i>prima facie</i> evidence of the matters therein stated. When- ever the amount of such compensation is in the treasury and thus secured to be paid, the common council or board of trustees may enter upon and take possession of and use such private property for the purpose for which it was taken, and may remove all build- ings, fences, and other obstructions therefrom. In case of resist- ance or refusal on the part of any one to the common council or board of trustees, or their agents and servants entering upon and taking possession of such private property, for the use and purpose for which it was taken, at any time after the amount of the com- pensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the common council or board of trustees, by the city or village attorney, may apply to the court, and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.
Writs of assistance.	
Compensation of officers, etc.	SEC. 17. Officers, jurors, and witnesses in any proceedings under this act shall be entitled to receive from the city or village institut- ing the proceedings, the same fees and compensation as are provided by law for similar services in an ordinary action at law in the cir- cuit courts of this State.
Practice in recorder's court of Detroit.	SEC. 18. The practice and proceedings of the recorder's court of the city of Detroit under this act, relating to the summoning and excusing of jurors and talesmen and to imposing penalties upon them for non-attendance, shall be the same as the practice and proceedings of said court relative to petit jurors for the trial of criminal cases, but no peremptory challenges shall be allowed.
Costs and expenses.	SEC. 19. All the expenses and costs of the proceedings to take and use private property under this act, incurred by the municipi- pality, shall be paid out of the general fund. And it shall be lawful for the judge in any case to order the payment by the city or village, to any respondent, of such a reasonable attorney fee as he may deem just, which may be taxed with the costs.
Attorney fee.	
Property may be taken to secure water supply.	SEC. 20. The cities and villages of this State, authorized to take or hold land or property outside of their corporate limits for obtain- ing and securing a supply of water to the municipality, or for any other public purpose, may take private property therefor, provided it is for the use or benefit of the public. The proceedings in all such cases shall comply, as near as may be, to the proceedings prescribed by this act, but shall be instituted in the circuit court of the county where the property is situated, and the jury shall be composed of twelve freeholders of the county, and shall be empan- eled as follows: The sheriff, under-sheriff, or a deputy sheriff of the county shall make a list of twenty-four freeholders residing in the vicinity of the property, and the city attorney and the respondents, collectively, shall each have the right to strike six names from said list, and the twelve persons left thereon shall compose the jury, and shall be summoned to attend by a <i>venire</i> issued by the clerk of said court, and to be served by one of said sheriffs. If the respond- ents neglect or refuse to strike six names from said list, it shall be done by the circuit judge, and in case any of the persons so summoned shall not attend, or shall be excused for cause or other-
Proceedings.	
Empaneling a jury.	

wise, talesman [talesmen] possessing the necessary qualifications shall be summoned by one of said officers.

SEC. 21. The common council or board of trustees shall not have power to discontinue proceedings under this act after the rendition of the verdict of the jury, but they may direct the city or village attorney to move for a new trial, or to arrest the proceedings, or to take an appeal to the supreme court, and in any such case the same proceedings shall be taken as are hereinbefore prescribed in the case of like proceedings on the part of any respondent, except that no bond shall be required, nor shall the municipality be required to pay the clerk of the recorder's or superior court fees.

Motions for new trial, appeal, etc.

SEC. 22. It shall be *prima facie* evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be *prima facie* evidence as to ownership, and persons having an interest in any such property, and the extent and nature of such interest.

Evidence of ownership of property.

SEC. 23. In case there is on the private property taken a building or other structure, the same shall be sold by or under direction of the common council or board of trustees; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the common council or board of trustees shall cause such amount to be credited and applied in reduction *pro rata* of the assessment and apportionment made to pay for the property taken.

Sale of buildings etc.

SEC. 24. Cities and villages now authorized under existing acts of incorporation, or other special acts, to take private property for public uses, may severally proceed, under the provisions of their respective local charters, or other special acts, or under the provisions of this act; and this act shall not be construed as in any way affecting or impairing the provisions of such local charters or special acts on the subject of taking private property for public use.

Cities and villages may proceed under charter.

SEC. 25. Act number twenty-six of the public acts of eighteen hundred and eighty-two, approved March fifteenth, eighteen hundred and eighty-two, is hereby repealed; but nevertheless proceedings begun and undetermined under said act, or any previous act, shall not be affected by such repeal, but may be completed in all respects, and shall be as binding as if this act had not been passed.

Act repealed.

This act is ordered to take immediate effect.

Approved May 31, 1883.

[No. 125.]

AN ACT to authorize the board of control of State swamp lands to make an appropriation of State swamp lands, equal in value to two thousand dollars, or so much thereof as may be necessary to remove a sand bar located in Indian river, in Cheboygan county, and thereby improve the inland navigation route, which extends from Cheboygan to the head of Crooked lake, in Cheboygan and Emmet counties.

Appropriation
of State swamp
land to improve
the navigation
of Indian
river, etc.

Provided,

SECTION 1. *The People of the State of Michigan enact*, That the board of control of State swamp lands are hereby authorized and empowered, if by them deemed expedient, to appropriate five sections of the fifteen sections of State swamp land heretofore appropriated to aid in improvement of Black river, in Cheboygan county, by act number one hundred and thirty-seven, of the session laws of eighteen hundred and seventy-nine, approved May thirty-first, eighteen hundred and seventy-nine, to improve the navigation of Indian river, between Burt and Mullet lakes, in said Cheboygan county: *Provided*, That said expenditure shall be made in pursuance of the provisions of law relative to the improvement of navigable routes of transportation and passenger traffic, under the supervision of the State swamp land commissioner and said board of control.

Approved May 31, 1883.

[No. 126.]

AN ACT to amend and revise chapter eighty-seven, of the revised statutes of eighteen hundred and forty-six, entitled "masters, apprentices, and servants," being chapter one hundred and seventy-three, of the compiled laws of eighteen hundred and seventy-one, and acts amendatory thereof.

Chapter
amended.

SECTION 1. *The People of the State of Michigan enact*, That chapter eighty-seven, of the revised statutes of eighteen hundred and forty-six, entitled "masters, apprentices, and servants," being chapter one hundred and seventy-three, of the compiled laws of eighteen hundred and seventy-one, as amended by acts amendatory thereof, be amended and revised so as to read as follows:

Infants may
bind themselves
as appren-
tices, etc.

(4857.) SECTION 1. Every male infant, and every unmarried female under the age of eighteen years, with the consent of the persons or officers hereinafter mentioned, may of his or her own free will bind himself or herself, in writing, to serve as clerk, apprentice or servant, in any profession, trade, or employment, if a male, until the age of twenty-one years, and if a female, until the age of eighteen years, or until her marriage within that age, or for any shorter time; and such binding shall be as valid and effectual, as if such infant was of full age at the time of making such engagement.

(4858.) SEC. 2. Such consent shall be given :

First, By the father of the infant. If he be dead, or be not in legal capacity to give his consent, or if he shall have abandoned and neglected to provide for his family, and such fact be certified by a justice of the peace of the township, and indorsed on the indenture ; then, By whom consent shall be given.

Second, By the mother. If the mother be dead, or be not in a legal capacity to give such consent, or refuse ; then,

Third, By the guardian of such infant duly appointed. If such infant have no parent living, or none in a legal capacity to give consent, and there be no guardian ; then,

Fourth, By any two justices of the peace of the township where such infant shall reside ;

Fifth, By the recorder of any city in the county, or by the circuit or probate judge of such county.

(4859.) SEC. 3. Such consent shall be signified by the person or officers entitled to give the same, by writing at the end of, or endorsed upon each part of the indentures, signed by such person or officers, and not otherwise. How consent to be signified.

(4860.) SEC. 4. No minor shall be bound as aforesaid, unless by indentures, indentures in two parts, sealed and delivered by both parties. Indentures.

(4861.) SEC. 5. The county superintendents of the poor in the several counties may bind out any child under the ages above specified, who shall be sent to any county poor-house, or who is or shall become chargeable in whole or in part to such county, or whose parent or parents shall become chargeable, in whole or in part, as aforesaid, to be clerks, apprentices, or servants, until such child, if a male, shall be twenty-one years old, and if a female, shall be eighteen years old, or until her marriage within that age, which binding shall be as effectual as if such child had bound himself or herself with the consent of his or her father. When superintendents of poor may bind out children.

(4862.) SEC. 6. The age of every infant bound pursuant to the provisions of this chapter shall be inserted in the indentures, and shall be taken to be the true age, without further proof thereof ; and whenever any public officers are authorized to execute any indenture, or their consent is required to the validity of the same, it shall be their duty to inform themselves fully of the infant's age. Age of child to be inserted in indentures.

(4863.) SEC. 7. The counterpart of any indentures, executed by the county superintendents of the poor, shall be by them deposited in the office of the clerk of the county ; and provision shall be made, in every such indenture, for proper and suitable education for such minor, and for such other instruction, benefit, and allowance as such superintendents may think reasonable. Counterpart, where to be deposited ; provisions to be inserted in.

(4864.) SEC. 8. All considerations of money, or other things paid or allowed by the master, upon any indenture of apprenticeship or service made in pursuance of this chapter, shall be paid or secured to the sole use of the minor bound thereby. Consideration paid by master to be for use of minor.

(4865.) SEC. 9. Parents, guardians, and superintendents of the poor shall inquire into the treatment of all children bound by them respectively, or with their approbation, and of all who shall be bound by their predecessors in office, and defend them from all Parents, etc., to inquire into treatment of children.

	cruelty, neglect, or breach of the indentures on the part of their masters.
Complaint against master.	(4866.) SEC. 10. In case any such misconduct, or neglect, of the master, a complaint may be filed by the parent or guardian, or by the superintendent of the poor, in the probate court for the county in which the master resides, setting forth the facts and circumstances of the case, and the court, having caused such notice, as it shall deem reasonable, to be given to the master, shall proceed to hear and determine the cause.
When court may order minor discharged.	(4867.) SEC. 11. After a full hearing of the parties, or of the complainant alone, in case the master shall neglect to appear, the court may make an order or decree that the minor be discharged from his apprenticeship, or service, and for the costs of the proceeding against the master, and may issue execution therefor accordingly, and the minor may be bound out anew, unless such order be reversed on appeal.
How costs shall be awarded.	(4868.) SEC. 12. If the complaint be not sustained, the court shall order costs to be paid by the complainant to the master, and issue execution therefor accordingly; excepting that if such complaint be made by the superintendents of the poor, the court shall not award costs against them, unless it shall appear that the complaint was made without any just or reasonable cause.
Masters liable to action on indenture.	(4869.) SEC. 13. Every master shall also be liable, whether such complaint shall have been filed or not, to an action on the indenture, for the breach of any covenant, on his part, therein contained; which action shall be brought in the name of the minor, by his guardian or next friend, or by himself, after his majority.
Damages recovered to be property of minor, etc.	(4870.) SEC. 14. If such action be brought, and a recovery be had, during the minority of such apprentice or servant, the damages recovered in such action, after paying the necessary charges of prosecution, shall be the property of the minor, and may be appropriated to his use, or invested for his benefit, in the same manner as any other property belonging to such minor.
When action shall be brought.	(4871.) SEC. 15. No such action shall be maintained by any apprentice, or servant, unless it be commenced during the term of apprenticeship, or service, or within two years after the expiration thereof.
If judgment be rendered for plaintiff, minor may be discharged.	(4872.) SEC. 16. If judgment in such action shall, upon the final determination thereof, be rendered for the plaintiff, the court in which the same is prosecuted, may thereupon, by an order to be entered in its minutes, discharge the minor from his apprenticeship, or service, if it shall not have been already done, in the manner before provided, and the minor may thereupon be bound out anew.
Proceedings where apprentice, etc., leaves master.	(4873.) SEC. 17. If any apprentice or servant, bound as aforesaid, shall unlawfully depart from the service of his master, any justice of the peace, upon complaint on oath made to him by the master, or by any one in his behalf, may issue his warrant to apprehend the apprentice or servant, and bring him before such justice.
Justice may order offender returned, etc.	(4874.) SEC. 18. If such complaint be supported, the justice may order the offender to be returned to his master, or may com-

mit him to the common jail, or house of correction, there to remain for a term not exceeding twenty days, unless sooner discharged by his master.

(4875.) SEC. 19. The justice's warrant, when directed to any officer, or other person by name, shall authorize him to convey the offender to the place of residence of the master, although it may be in any other county in the State. Effect of warrant.

(4876.) SEC. 20. All the costs incurred on any such process against an apprentice, or servant, shall be paid in the first instance by the master, and if the complaint be supported, the amount of such costs may be recovered in any action against the minor after he shall arrive at full age. Who to pay costs.

(4877.) SEC. 21. If any such apprentice or servant shall be guilty of any gross misbehavior, or refusal to do his duty, or willful neglect thereof, his master may file his complaint in the probate court of the county in which he resides, and the court, after causing such notice as it shall deem reasonable, to be given to the parent or guardian who consented to the binding of such apprentice, or servant, or to the officers who bound him, or their successors in office, shall proceed to hear and determine the cause. Proceedings against apprentice for misbehavior, etc.

(4878.) SEC. 22. After a full hearing of the parties or of the complainant, if the adverse party shall neglect to appear, the court may make an order or decree that the master be discharged from the contract of apprenticeship, or service, and for the costs of the suit; and the amount of such costs may be recovered in an action against the minor, with interest thereon, after he shall have arrived at full age; and such minor may be bound out anew. Master may be discharged from contract.

(4879.) SEC. 23. No indenture of apprenticeship, or service, made in pursuance of this chapter, shall bind the minor after the death of the master, but the minor shall be thenceforth discharged therefrom, and may be bound out anew. Death of master discharges apprentice, etc.

(4880.) SEC. 24. An indenture of apprenticeship, or service, made in pursuance of this chapter, by, or in behalf of a minor, may be made either with a woman or man, capable in law of contracting; and all the foregoing provisions shall apply as well to mistresses as to masters; and the recorder of any city of the county, or the circuit or probate judge of such county, may permit and order the transfer of such indentures as are authorized in this chapter, when, upon sufficient proofs and hearing, such officer shall be satisfied such transfer will be for the interest of such minor: *Provided*, That consent of the minor shall first be given to such transfer, if at the time of such transfer such minor be of the age of fourteen years. Provisions to apply to mistresses as well as masters. Proviso.

(4881.) SEC. 25. Nothing contained in this chapter shall prevent or affect the right of a father, by the common law, to assign a contract for the services of his children, for the term of their minority, or of any part thereof. Common law rights not affected.

(4882.) SEC. 26. The mother of an illegitimate minor child shall have power to give the consent authorized in this chapter, to the binding of such child, during the lifetime of the putative father, as well as after his death. Mother of illegitimate child may consent, etc.

Acts repealed. (4883.) SEC. 27. All acts or parts of acts inconsistent herewith, are hereby repealed, saving and reserving all rights existing thereunder: *Provided, however,* That the provisions of this act shall not in any manner interfere with the duties of the superintendents of the poor, or other officers in regard to the State public school for neglected and dependent children, or the reform school, or other benevolent or reformative institutions for children.

Proviso. Approved May 31, 1883.

[No. 127.]

AN ACT for the relief of David H. Helt.

Governor authorized to issue patent.

SECTION 1. *The People of the State of Michigan enact,* That the Governor be and he is hereby authorized to cause to be issued to David H. Helt a patent for the northwest quarter of the northeast quarter of section eleven, town nine north, range two west, upon his presenting the certificate of the commissioner of the State land office, showing that he has fully complied with the provisions of section one, of act number two hundred and seventy-five, of the session laws of eighteen hundred and eighty-one, entitled "An act to provide for the disposition of certain lands granted to the State of Michigan for railroad purposes, by act of congress, June three, eighteen hundred and fifty-six, and by act of the legislature of the State of Michigan of February fourteen, eighteen hundred and fifty-seven, were conferred upon the Detroit and Milwaukee railway company, and by act of the United States of March three, eighteen hundred and seventy-nine, were fully vested in the State of Michigan for all purposes, approved June eleven, eighteen hundred and eighty-one."

This act is ordered to take immediate effect.

Approved May 31, 1883.

[No. 128.]

AN ACT to amend sections (15) fifteen, (18) eighteen, and (19) nineteen, of act number nine (9), of the public acts of eighteen hundred and eighty-two (1882), entitled "An act to provide for the assessment of property, and the levy and collection of taxes thereon," approved March fourteen, eighteen hundred and eighty two.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That sections fifteen, eighteen, and nineteen of act number nine, of the public acts of eighteen hundred and eighty-two, entitled "An act to provide for the assessment of property, and the levy and collection of taxes thereon," approved March fourteenth, eighteen hundred and eighty-two, be and the same are hereby severally amended so as to read as follows:

SEC. 15. On or before the third Monday of May in each year, in the townships of Hamtramck and Springwells, in the county of Wayne the third Monday in June, the supervisor shall make and complete an assessment roll, upon which he shall set down the name of every person liable to be taxed for personal property in his township, and also a full description of all the real property liable to be taxed in such township. If the name of the owner or occupant of any such tract or parcel of real property is known, he shall enter the name of such owner, or occupant, opposite to the description thereof; in all other cases the real property, described on such roll, shall be assessed as owner unknown. Each description shall show the number of acres contained in it, as determined by the supervisor. It shall not be necessary for the assessment roll to specify the quantity of land comprised in any town, city, or village lot. The supervisor shall estimate according to his best information and judgment, the true cash value of every parcel of real property, and set the same down opposite such parcel. He shall also estimate the true cash value of all the personal property, except such as the law exempts, of each person, and set the same down opposite the name of such person. In determining the property to be assessed, and in estimating such values, he shall not be bound to follow the statements of any person, but shall exercise his best judgment. Property assessed to any other than the owner, or owners, shall be assessed separate from his, or their property, and shall state in what capacity it is assessed to him, or them. Two or more persons not being co-partners, owning personal property in common, may each be assessed severally for his portion thereof. Undivided interests in lands owned by tenants in common, or joint tenants not being co-partners, may be assessed to the owners thereof.

Time and manner of making assessment roll and duties of supervisors, etc.

Assessment of undivided interests.

SEC. 18. After the annual township meeting, and on or before the first Monday in May, of each year, in the townships of Hamtramck and Springwells, in the county of Wayne, the first Monday in June, the township board shall appoint two suitable tax-paying electors of the township, to serve as members of the board of review for that year, who shall take the constitutional oath of office. The supervisor and the two electors so appointed, shall constitute the board of review for such township. The township board may fill any vacancy which shall occur in the membership of such board of review. A majority of said board of review shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and a majority vote of those present shall decide all questions. On the Tuesday next following the third Monday of May, in the townships of Hamtramck and Springwells, in the county of Wayne, the third Monday of June, the board of review of each township shall meet at the office of the supervisor, at which time the supervisor shall submit to said board the assessment roll for the current year, as prepared by him, and the said board shall proceed to examine and review the same, and during that week, said board, of its own motion, or on sufficient cause being shown by any person, shall add to said roll the

Board of review.

Who to constitute.

Vacancies. Quorum.

Meeting of.

Assessment roll to be submitted to board.

Proceedings of board.

Approval
of roll.

names of persons, the value of personal property, and the description and value of real property liable to assessment in said township, omitted from such assessment roll; they shall correct all errors in the names of persons, in the description of property upon such roll, and in the assessment and valuation of property thereon, and they shall cause to be done whatever else may be necessary to make said roll comply with the provisions of this act. The board shall pass upon each valuation, and enter the valuation as fixed by it in a separate column. The roll, as prepared by the supervisor, shall stand as approved and adopted as the act of the board of review, except as changed by a vote as herein provided. If for any cause a quorum does not assemble during the week above mentioned, the roll, as prepared by the supervisor, shall stand as if approved by the board of review.

Meeting of board
on fourth Mon-
day in May.

SEC. 19. Said board of review shall also meet at the office of the supervisor on the fourth Monday in May, in the townships of Hamtramck and Springwells, in the county of Wayne, the fourth Monday in June, at nine o'clock in the forenoon, and continue in session during that day, and the day following, and as much longer as may be necessary, to complete the review of such assessment roll, not to exceed four days in all. Such board shall continue its session at least six hours each day, and at the request of any person whose property is assessed thereon, or of his agent, and on sufficient cause being shown, shall correct the assessment as to such property, in such manner as in their judgment will make the valuation thereof relatively just and equal. To that end said board may examine on oath the person making such application, or any other person, touching the matter. Any member of said board may administer such oath. After said board shall complete the review of said roll, a majority of said board shall endorse thereon, and sign a statement to the effect, that the same is the assessment roll for said township, for the year in which it has been prepared and approved by the board of review. Said statement may be in the following form, viz.:

Statement to be
endorsed on roll.

Form of
endorsement.

"Assessment roll for the township of.....for the
year 18....., as approved by the board of review.

"Dated.....

".....
".....
".....

"Board of Review."

Validity of roll.

Upon the completion of said roll, and its endorsement in manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes hereinafter mentioned. The omission of such endorsement shall not affect the validity of such roll.

This act is ordered to take immediate effect.

Approved May 31, 1883.

[No. 129.]

AN ACT for the organization of telephone and messenger service companies.

SECTION 1. *The People of the State of Michigan enact*, That any three or more persons may organize a corporation under this act in the manner following, to wit: The persons associating for such organization, shall make, subscribe, and acknowledge, before any officer competent to take such acknowledgment, articles which shall contain:

Organization of companies authorized.
Articles of association.

First, A statement that the same are entered into for the purpose of organizing a corporation under this act;

Second, The name of the corporation to be organized;

Third, The place where the principal business office in this State is to be located;

Fourth, The term of the existence of such corporation, which shall not exceed thirty years;

Fifth, The amount of its capital stock, and the number of shares into which the same shall be divided; the amount of the capital stock subscribed at the time of the execution of such articles, and the amount paid thereon;

Sixth, The number of directors, which shall not be less than three, to manage the affairs of said corporation;

Seventh, The names of the persons to act as the first directors. Each subscriber shall set opposite his name, his place of residence and the number of shares of stock by him subscribed. Such articles shall be recorded in the office of the clerk of the county in which the principal business office of such corporation is to be located, and a copy thereof filed in the office of the secretary of State, and thereupon such corporation shall be deemed fully organized.

SEC. 2. The stock, property, and affairs of every corporation organized hereunder shall be managed by its directors. The directors shall be chosen annually by the stockholders, at such time and place as shall be provided by the laws, and shall continue in office for one year and until others shall be chosen in their stead. No person except a stockholder shall be a director.

Management of affairs, etc.
Election of directors, etc.

SEC. 3. The stock of every such corporation shall be divided into shares of one hundred dollars each, and shall be deemed personal property.

Number of shares.

SEC. 4. Every such corporation shall have power to construct and maintain lines of wire or other material, for use in the transmission of telephonic messages along, over, across, or under any public places, streets, and highways, and across or under any of the waters in this State, with all necessary erections and fixtures therefor: *Provided*, That the same shall not injuriously interfere with other public uses of the said places, streets, and highways, and the navigation of said waters; to construct, provide, and furnish instruments, devices, and facilities for use in the transmission of such messages, and to construct, maintain, and operate telephone exchanges and stations, and generally to conduct and carry on the business of pro-

Construction and maintenance of lines of wire, etc.
Provide.

May purchase,
etc., stock in
certain cor-
porations, etc.

viding and supervising communication by telephone, and also the business of furnishing messenger service in cities and towns. And it shall be lawful for any such corporation to purchase and hold a portion of the stock of any corporation owning or controlling by patent, or otherwise, the use of any instrument or device necessary or convenient for use, in the transmission or reception of telephonic messages, and to purchase and hold all real property necessary to carry out the purposes of its organization.

Service of legal
process against.

SEC. 5. Service of legal process against any such corporation may be made upon any officer of such corporation found within the county in which the action shall have been commenced, or by leaving a copy of such process at any exchange or business office of such corporation within such county, with the person in charge thereof.

Penalty for
injury, etc., to
wires and
property of.

SEC. 6. Any person who shall unlawfully injure or molest any line of wire, or property, of any such corporation, appurtenant thereto, or any of the instruments or apparatus of such corporation, shall on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding three months, or both, in the discretion of the court in which such conviction shall be had.

Liability of
stockholders.

SEC. 7. The stockholders of all corporations organized under this act shall be individually liable for all labor performed, and materials furnished for said corporation during the time they were stockholders as aforesaid, which said liability may be enforced against any stockholder, founded on this statute, at any time after an execution shall be returned not satisfied against such company: *Provided, always,* That if any stockholder shall be compelled by any such action to pay such debts of any creditor, or any part thereof, he shall have the right to call upon all [the] stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.

Proviso.

What laws
corporations
subject to.

SEC. 8. Every corporation organized hereunder shall be subject to the provisions of chapter one hundred and thirty of the compiled laws of eighteen hundred and seventy-one, so far as applicable, and of act number one hundred and sixty-eight, of the session laws of eighteen hundred and eighty-one, approved May twenty-six, eighteen hundred and eighty-one, entitled "An act to provide for the assessment of and taxation of telegraph and telephone lines within the State of Michigan, and to repeal act number seventy-seven, of the session laws of eighteen hundred and seventy nine, approved May twentieth, eighteen hundred and seventy nine."

This act is ordered to take immediate effect.

Approved May 31, 1883.

[No. 130.]

AN ACT to provide for straightening and opening the channel of Cedar river, and its east and west branches, and making an appropriation of State swamp lands, to aid the work, and to authorize the levying of a tax for the completion of the same, and to repeal act number eighty-eight of the session laws of eighteen hundred and eighty-one, entitled "An act to authorize and empower the board of control of State swamp lands to make an appropriation of State swamp lands to drain and reclaim certain swamp and overflowed lands in the townships of Conway, Handy, and Iosco, in the county of Livingston."

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of aiding in straightening the channel of the Cedar river and its east and west branches, and opening, widening, and deepening the same to the end that the large territory now periodically submerged may be reclaimed, and the sanitary condition of the adjacent lands improved, there shall be and hereby is appropriated to the county of Livingston, ten thousand acres of swamp lands in the lower peninsula, not otherwise appropriated.

Appropriation
of State swamp
land made.

SEC. 2. Said lands, or any part or parts thereof, when selected, shall be withheld from sale from and after the time said county, its assigns or the contractor under this act shall notify the commissioner of the State land office of the selection of the same, or any such part or parts, and shall be withheld for the entire time fixed by this act for the completion of the work. Upon the filing with the said commissioner of the State land office the certificate of the commissioner hereby appointed, that one-half of said work is completed, one-half of said lands hereby appropriated shall be patented to said county, its assigns, or the contractor under this act, and the remainder upon a like certificate of the entire completion of the work.

Lands to be
withheld from
sale when
selected.

Patents for.

SEC. 3. Spiridon S. Abbott of the said county of Livingston is hereby appointed commissioner under this act to superintend the survey and construction of said work, and superintend and perform such other duties as may devolve upon him by this act, and in case of his failure to act from any cause the governor may appoint his successor; said commissioner and his successor or successors shall each give a bond to the county of Livingston, with sufficient surety or sureties, to be approved by the commissioner of the State land office, for the sum of (\$30,000) thirty thousand dollars, for the faithful performance of the trusts and duties involved upon him.

Commissioner,
his powers
and duties.

Bond of.

SEC. 4. Said commissioner hereby appointed shall at once proceed, without petition or other preliminary proceedings, to have the survey for said work made or completed, and prepare the necessary plans and specifications and detailed estimates of the expense for straightening, opening, deepening, and widening the said Cedar river, in the townships of Conway, Handy, and Iosco, in Livingston county, and in the townships of Locke, Leroy, and Williamstown, in Ingham county, or in so many of said towns as he may find necessary, and upon their completion submit the same to the board

Commissioner
to have survey
plans, estimates,
etc., made and
submitted to
board of review.

Determination
of location of
improvement.

Proviso.

Procuring title
to right of way,
etc., and powers
of commissioner
in reference
thereto.

Jurisdiction of
probate court.

of review hereinafter named. It is not the intention to confine the said survey or improvement to the said county of Livingston, but like authority is also conveyed to extend the same into the county of Ingham, a sufficient distance to secure the best results, jurisdiction being hereby given to the probate court hereinafter named, said commissioner and said board of review, over the whole improvement: *Provided*, That the said commissioner is hereby authorized and empowered to adopt the survey map and profile made under the direction of Joshua Dodge, the special commissioner appointed by the board of control of State swamp lands, for the purpose of carrying out the provisions of act number eighty-eight (88) of the session laws of eighteen hundred and eighty-one, and to make such alterations therein, or additions thereto, as in his discretion he may deem expedient. And said commissioner is hereby given the custody and possession of said map and profile which is now on file with the board of control of State swamp lands.

SEC. 5. Upon the adoption of the survey plans and specifications of said improvements, the said commissioner shall take steps to procure title to the county of the lands or the right of way necessary therefor, and for this purpose is hereby vested with all the powers conferred upon county or special drain commissioners, and may proceed without petition or other preliminary proceedings in the manner provided by law for acquiring title for county drains, or he may proceed under any other law of this State providing for condemning right of way, and for the purpose of carrying out the full design and intent of this act, the said commissioner is hereby vested with all the powers conferred upon special drain commissioners appointed by the probate court in cases where drains are constructed affecting lands lying in more than one county, and may proceed in the same manner and be governed by the same law in the prosecution of said improvement, from its commencement to its completion, except as in this act otherwise provided, as he would or might proceed, or be governed, were he appointed as said special commissioner, by the probate court, in and for the county of Livingston aforesaid, in pursuance to act number two hundred and sixty-nine, of the session laws of eighteen hundred and eighty-one, or of any amendments or revision of said act. It shall not be necessary to procure of owners of lands adjoining said Cedar river, the right of way where by the original survey the said river was recognized, or the estimated area thereof deducted from sectional subdivisions. But on all such portions of the line of this contemplated improvement, full authority is hereby given to remove all obstructions to the flow of the water of such river, or deepen the same. And the probate court, in and for the county of Livingston, shall have jurisdiction of all proceedings in the prosecution of said improvement the same as they would or might have had had said commissioners [commissioner] been appointed by said court, in pursuance of said act number two hundred and sixty-nine, statute laws eighteen hundred and eighty-one, or any amendment or revision of said act.

SEC. 6. The cost of constructing said improvement, together

with the expenses incident thereto, in excess of the appropriation hereby made, shall be paid by the lands and property benefited thereby, and by any township, city, or village, by reason of the benefit to the public health, and as a means of improving any public highway. The commissioner created by this act shall designate in an assessment roll or rolls the lands and property benefited thereby, and shall determine by assessed valuation, what per cent of such excess shall be assessed upon each parcel or description of lands and property, township, city, or village. He shall make a circumstantial report of his determination in the premises to the said board of review, who may alter or amend the same as they may deem equitable, and their decision shall be final. Said report shall be published in some newspaper of general circulation published in Fowlerville, Livingston county, and in Williamston, Ingham county, for two consecutive weeks, before being acted upon by said board of review, and any person or persons, feeling aggrieved by said ratio or per cent of assessments, shall have the right to be heard in person, or by attorney, before said board of review. Said report as affirmed, altered, or amended, by said board of review, shall be divided into six assessment rolls, one for each of the towns of Iosco, Handy, and Conway, in the county of Livingston, and Locke, Leroy, and Williamstown, in the county of Ingham, or into so many rolls as there shall be townships affected by said improvement, the rolls containing respectively the lands to be taxed for the excess cost of the improvement in the respective townships.

SEC. 7. Upon the completion of the said assessment rolls, the said commissioner shall advertise for letting the contract for the construction of said work for at least four consecutive weeks, in a newspaper published in Fowlerville, Livingston county, and Williamston, Ingham county, and he shall let such work to the person who will do the same, according to the specifications, for the least sum of money in addition to the lands hereby appropriated. Said commissioner may adjourn said letting from time to time, to such other time or place, to be by him at the time of such adjournment publicly announced, as to him shall seem proper, but not in all more than sixty days from the time first advertised, and he may reserve the right to reject any or all bids. The contractor shall give a bond to the said commissioner, with at least two sureties, to be approved by said commissioner, in such amount, and upon such terms as said commissioner shall require to secure the faithful performance of the contract.

SEC. 8. Upon the letting of such contract the commissioner shall make a computation of the costs of such improvement, in excess of the land hereby appropriated, which shall include all the expenses of locating and establishing the same, including the commissioner's compensation at the rate of three dollars per day for the time actually employed, cost of survey, fees and expenses incident to determining damages, the amount of damages awarded, if any, and all other expenses not otherwise provided for. He shall add the whole in a gross sum, which amount, when so ascertained, he shall apportion to and assess upon the individuals, property, townships,

Costs of improvement, etc., in excess of appropriation.

Commissioner to designate lands, etc., benefited.

Report to board of review.

Publication of report.

Hearing of persons aggrieved.

Report to be divided into assessment rolls.

Letting of contract.

Bond of contractor.

Commissioner to compute costs of improvement.

Apportionment of amount, etc., to individuals, property, etc.

Collection of tax.	or villages benefited thereby, according to the rate per cent fixed, as hereinbefore provided in the assessment rolls, which amount so assessed shall be a lien upon the persons, property, townships, or villages so assessed until paid. The several amounts so assessed shall be added to or included in the next annual assessment rolls of the respective townships, and collected as other taxes are collected by the township treasurers respectively. The money when so collected by the township treasurers, or in case of unpaid taxes returned by the county treasurers, shall be held subject to the order of said special commissioner for the payment of the contract, damages, and other expenses pertaining to said improvement: <i>Provided</i> , That in case gross sums shall be assessed upon any township or village, by reason of the benefit to the public health, and as a means of improving any public highway, such gross sum shall be assessed upon the tax-roll of such village or township, by the proper officer, on the basis of the assessed value of the property for the then current year.
Disposition of money collected, etc.	
Proviso.	
Board of review.	SEC. 9. The supervisors of the townships of Handy, Conway, and Iosco, in Livingston county, and of the townships of Locke, Leroy, and Williamstown, Ingham county, shall constitute and be a board of review, as required by this act, and shall meet at such times and places as designated by said commissioner, and said commissioner shall give each of said board of review at least five days' notice of such meetings as may be required by this act. A personal notice, or a notice in writing of such meetings, left at their respective residences, shall be deemed a sufficient and legal notice of any such meeting. The special commissioner shall be chairman of said board of review, and shall be entitled to vote only in case of a tie. The account of the commissioner for services on the said improvement, shall be presented to and audited by the said board of review. The several supervisors composing said board of review, shall be entitled to and receive the sum of two dollars per day for their services on said board, the same to be audited by their respective township boards, and paid as other township expenses.
Meetings of.	
Notice of meeting.	
Chairman of board.	
Auditing account of commissioner.	
Compensation of members of board.	
Return of unpaid taxes.	SEC. 10. Unpaid taxes on real estate shall be returned by the township treasurers, respectively, to their respective county treasurers, and lands delinquent therefor shall be sold in the same manner, and in all respects, as are lands delinquent for State and county taxes.
Completion of improvement.	SEC. 11. This improvement shall be completed within five years from the passage of this act, and upon the completion of the work provided for in this act, the said special commissioner, or his successor, shall file with the commissioner of the State land office, a complete account of his doings hereunder, together with the survey, plans, and specifications used, a statement of the entire cost of the improvement, in excess of the lands granted, and the amount of such excess paid by each township, or village, all the releases obtained of right of way, and the statement showing what proceedings were had to obtain right of way, if any, when had, and what amounts, if any, were awarded as damages, a statement showing what amounts, if any, have come into his hands, as such commis-
Report of commissioner.	

sioner, from whom received, and to whom paid, together with the contractor's receipt in full for all moneys due him as such contractor; all of which statement shall be made under oath, and be verified by competent officers, and accompanied by statements of the supervisors of each of the townships named, showing the entire sum of money, for such improvement, raised in their townships respectively. Whereupon, if it shall appear to the commissioner of the land office that the said special commissioner has faithfully discharged his duties under this act, and honestly disbursed the moneys which came into his hands, he shall cancel and surrender the bond mentioned in section three of this act. But if not, he shall bring suit upon said bond for all deficiencies or failures. Surrender
of bond.

SEC. 12. Act number eighty-eight of the session laws of eighteen hundred and eighty-one, entitled "An act to authorize and empower the board of control of State swamp lands to make an appropriation of State swamp lands to drain and reclaim certain swamp and overflowed lands in the townships of Conway, Handy, and Iosco, in the county of Livingston," be and the same is hereby repealed, Act repealed. saving all acts done in relation to the aforesaid survey, map, and profile, which survey, map, and profile is hereby legalized and made valid for the purposes of this act, as hereinbefore provided. Survey, etc.,
legalized.

SEC. 13. This act passed the senate and house by a two-thirds vote of all the members elect, of each house respectively, and ordered to take immediate effect.

Approved May 31, 1883.

[No. 131.]

AN ACT to amend section one of act one hundred and sixty-seven, of the session laws of eighteen hundred and seventy-seven, entitled "An act to regulate the height of bridges over railroad tracks."

SECTION 1. *The People of the State of Michigan enact, That* Section
amended. section one of act one hundred and sixty-seven, of the session laws of eighteen hundred and seventy-seven, entitled "An act to regulate the height of bridges over railroad tracks," be amended so as to read as follows:

SECTION 1. No bridge hereafter constructed over any railroad in this State, except in cities and villages having power under their charters to regulate the height of such bridges, shall be at a height less than eighteen feet above the track of such railroad, except by the written consent of the commissioner of railroads; and any corporation managing, controlling, or operating any railroad in this State, the track of which is crossed by any bridge constructed less than eighteen feet above such track, except such bridge have the written approval of the commissioner of railroads, or be within the corporate limits of any city or village empowered by its charter to regulate the height of bridges, shall, within ninety days after this act shall take effect, raise or reconstruct such bridge Height of
bridges over
railroads.

Penalty for
failure to
comply.

Proviso.

in such manner that it shall be at least eighteen feet above such railroad track, and construct suitable approaches to such bridge. A failure on the part of any corporation, to comply with the provisions of this section, shall render such corporation liable to a forfeiture of five hundred dollars, to be recovered as in other cases of forfeiture: *Provided*, That the provisions of this act shall not apply to railroad bridges crossing another railroad track.

Approved May 31, 1883.

[No. 132.]

AN ACT to amend section twenty-two of an act entitled "An act to authorize the formation of corporations for the purpose of improving the navigation of rivers," approved April fifth, eighteen hundred and sixty-nine.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-two, of an act entitled "An act to authorize the formation of corporations for the purpose of improving the navigation of rivers," approved April fifth, eighteen hundred and sixty-nine, be and the same is hereby amended so as to read as follows:

Actions for
satisfaction of
lien, etc.

SEC. 22. Any such corporation claiming any lien, may bring an action of assumpsit against the owner of such property to determine and satisfy the amount of such lien, or such corporation may waive its claim of lien, and bring such action against such owner for the amount thereof. The proceedings in such actions shall be in accordance with the practice of the courts in which such action is commenced in actions of assumpsit. The property, held under a claim of lien, may be levied upon and sold to satisfy any judgment which may be rendered against such owner, in such action, and the taxable costs in such case shall include the cost and expense of providing for the care and safety of such property. In cases where the claim of lien is waived under the provisions of this section, the plaintiff shall have judgment, if he shall establish on the trial such a state of facts as would have entitled him to a lien, and the judgment shall be collected as in ordinary cases in assumpsit: *Provided*, That such action shall be commenced within sixty days after such tolls shall become due.

Proceedings.

Sale of property.

Proceedings
when lien is
waived.

Proviso.

This act is ordered to take immediate effect.

Approved May 31, 1883.

[No. 133.]

AN ACT to amend section fifteen of article two, of the general railroad law of this State, entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or oper-

ating any railroad in this State," approved May one, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That section fifteen of article two of the act entitled, "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," approved May one, eighteen hundred and seventy three, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 15. Whenever any lands are condemned to the public use, by any railroad company, under the provisions of this act, such company shall pay to the owners and others interested in the lands condemned, in addition to the damages and compensation awarded by the commissioners or jury, a reasonable attorney fee, to be fixed and determined by the court when the report or verdict is confirmed, or as soon thereafter as may be, and the attorney fee, so allowed, together with witness fees and other costs and disbursements, to be taxed as in civil actions, shall be paid, tendered, or deposited with the damages or compensation as hereinafter provided, before such company shall have any right to enter upon or take possession of the lands condemned. Attorney fee to be paid by company, etc.

This act is ordered to take immediate effect.

Approved May 31, 1883.

[No. 134.]

AN ACT to amend section twenty-seven of chapter fourteen of title three, of the revised statutes of eighteen hundred and forty-six, as amended by act number eighty-one, of the session laws of eighteen hundred and fifty-five, entitled "An act to provide for the election of county auditors, in the county of Wayne," approved February twelve, eighteen hundred and fifty-five, being compiler's section five hundred and three, of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-seven of chapter fourteen of title three, of the revised statutes of eighteen hundred and forty-six, as amended by act number eighty-one, of the session laws of eighteen hundred and fifty-five, entitled "An act to provide for the election of county auditors, in the county of Wayne," approved February twelve, eighteen hundred and fifty-five, being compiler's section five hundred and three, of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows: Section amended.

(503.) SEC. 27. There shall continue to be a board of county auditors for the county of Wayne, composed of three persons, one of whom shall be elected annually at the general election in said Board of county auditors.

Election of.	county, if such election be held, and if there be no such election held, then said auditor shall be elected by the board of supervisors of said county, as follows: Said election shall be by ballot and shall be held at the hour of 10 o'clock A. M., on the second day of the annual meeting of the board of supervisors in said county.
Board of canvassers.	Before proceeding to ballot the board shall choose a teller, whose duty shall be to receive the votes, and with the chairman and clerk shall be a board to canvass the same, and the person receiving the majority of said votes shall be deemed duly elected, and a certificate of said election, signed by the chairman and clerk of said board of supervisors, shall be forwarded by the clerk to the person so elected, within ten days after said election, and a duplicate of said certificate of election, showing the number of votes given, and the persons for whom they were given, shall be deposited in the office of the clerk of said county of Wayne, within one week after said election.
Certificate of election.	
Term of office.	Each person so elected, whether at general election, or by the board of supervisors, shall hold his office for the term of three years, and until his successor shall be elected and qualified; and two of such auditors shall be residents of the city of Detroit.
	This act is ordered to take immediate effect.
	Approved May 31, 1883.

[No. 135.]

AN ACT to amend an act entitled "An act to provide for the incorporation of ferry companies," approved April thirteen, eighteen hundred and seventy-one, by amending section six, being section two thousand six hundred and sixty-seven, of the compiled laws of eighteen hundred and seventy-one, and by adding five sections to said act.

Section amended.	SECTION 1. <i>The People of the State of Michigan enact,</i> That section six of an act entitled "An act to provide for the incorporation of ferry companies," approved April thirteen, eighteen hundred and seventy-one, be amended so as to read as follows:
Register of stock.	SEC. 6. Such corporation shall keep a register of the names of the stockholders for the time being, with the number of shares held by each, which register shall be open to the inspection of all persons desiring to examine the same. The books of said corporation, containing their accounts, shall, at all reasonable times, be open for the inspection of any of the stockholders.
Books of account, etc.	SEC. 2. There shall be added five sections to said act, to be known as sections ten, eleven, twelve, thirteen, and fourteen, as follows:
Sections added.	SEC. 10. The stock of every such corporation shall be deemed personal property, and shall be transferable only on the books of the company, in such manner as the by-laws shall prescribe. Stockholders, at corporate meetings, may vote in person or by proxy, duly filed, and at all stockholders' meetings each share shall be entitled to one vote, and all questions shall be decided by a majority of all the stock represented and voting. A majority of
Stock deemed personal property.	
Voting.	

the directors convened according to the by-laws, shall constitute a Quorum. quorum for the transaction of business.

SEC. 11. The property and affairs of such corporation shall be managed by not less than three nor more than seven directors, as the articles of association shall determine, who shall be stockholders of the company, and who shall hold their office until the next annual meeting, and until their successors are elected: *Provided*, That if any director shall cease to own any of the stock of said corporation, he shall cease to be a director, and any vacancy among the directors shall be filled as the by-laws provide.

SEC. 12. The directors shall make such reasonable by-laws as they may deem proper, for the management and disposition of the property, affairs, and concerns of said corporations; for prescribing the powers and duties of the officers and all employés of said company; for the appointment of such officers, and the transaction and carrying on of all kinds of business within the objects and purposes of such company, and may alter and amend the same.

SEC. 13. Such corporation may employ such of its boats or vessels as may not be employed in carrying on its ferry, or ferries, in towing, wrecking, in giving excursions, or other purposes of navigation on the waters on or over which its ferry or ferries may be established, and may collect and receive compensation therefor.

SEC. 14. Corporations formed under this act shall be subject to all the provisions, and shall have all the powers and privileges mentioned in chapter one hundred and thirty, of the compiled laws of eighteen hundred and seventy-one, so far as applicable to corporations formed under this act, except as herein provided.

This act is ordered to take immediate effect.

Approved May 31, 1883.

[No. 136.]

AN ACT to amend chapter fifty-three, of the compiled laws of eighteen hundred and seventy-one, relative to disorderly persons.

SECTION 1. *The People of the State of Michigan enact*, That chapter fifty-three, of the compiled laws of eighteen hundred and seventy-one, as the same has been heretofore amended, be and the same is hereby amended so as to read as follows:

CHAPTER LIII.

DISORDERLY PERSONS.

SECTION 1. All persons who run away, or threaten to run away, and leave their wives or children a burden on the public; all persons who, being of sufficient ability, refuse or neglect to support their families, or who leave their wives or children a burden on the public; all persons pretending to tell fortunes, or with whom lost or stolen goods are found; all common prostitutes; all keepers of

bawdy houses, or houses for the resort of prostitutes; all drunkards, tipplers, gamesters; all persons knowingly selling or giving intoxicating liquors to drunkards and tipplers, or other disorderly persons, or who do, for the most part, support themselves by gaming; all jugglers, common showmen, and mountebanks, who exhibit or perform for profits any puppet show, wire or rope dancing, or other idle show, acts, or feats; all persons who keep in any highway, or in any public place, any gaming table, wheel of fortune, box, machine, instrument, or device for the purpose of gaming; all persons who go about with such table, wheel of fortune, box, machine, instrument, or device, exhibiting or gaming therewith; all persons who play in the public streets or highways with cards, dice, or any instrument or device for gaming, and all vagrants shall be deemed disorderly persons: *Provided*, That persons complained of as being disorderly, under the provisions of this act, shall be entitled to a jury trial, as provided in cases of misdemeanor, cognizable by justices of the peace.

Proviso.

Apprehension
of offenders, etc.,
and punishment
upon conviction.

SEC. 2. Upon complaint made on oath to any justice of the peace against any person as being a disorderly person, he shall issue his warrant for the apprehension of the offender and cause him to be brought before such justice for trial, and if the offender shall be convicted on a trial before the justice, or a jury, or if he shall plead guilty, he shall be punished by a fine not exceeding fifty dollars and costs of the prosecution, or by imprisonment in the county jail, or in the Detroit house of correction, not exceeding three months. Any person who shall be convicted the second time of being a disorderly person, the offense being charged as a second offense, shall be punished by a fine not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail or the Detroit house of correction, or the State house of correction and reformatory at Ionia, not exceeding six months, and for the third and all subsequent convictions, the punishment shall be a fine not exceeding one hundred dollars and costs of prosecution, or imprisonment in the county jail, or the Detroit house of correction, or the State house of correction and reformatory at Ionia, not exceeding one year: *Provided*, That no person so convicted shall be sentenced or committed to the Detroit house of correction, unless the board of supervisors of the county, where such conviction is had, shall have made an agreement with the common council of the city of Detroit, or its authorized agent or officer to receive and keep in said house of correction, any persons who may be so sentenced or committed.

Proviso.

Jurisdiction of
justices of the
peace.

SEC. 3. Justices of the peace shall have jurisdiction over all prosecutions under this act, and the proceedings and practice, including the right to appeal, shall be the same as in criminal cases, cognizable by justices of the peace under existing laws.

Sections
repealed.

SEC. 4. Sections four to thirteen, both inclusive, of chapter fifty-three, and all acts or parts of act inconsistent with this act are hereby repealed.

Approved May 31, 1883.

*Sess Laws
of 1883 p. 35*

[No. 137.]

AN ACT to specify certain duties of health officers and provide for compensation therefor, in townships, cities, and villages where the health officer is not otherwise instructed by the local board of health.

SECTION 1. *The People of the State of Michigan enact,* That whenever the health officer of any township, city, or village in this State shall receive reliable notice or shall otherwise have good reason to believe that there is within the township, city, or village of which he is the health officer, a case of small-pox, diphtheria, scarlet fever, or other communicable disease dangerous to the public health, it shall be the duty of said health officer, unless he is or shall have been instructed by the board of health, of which he is an executive officer, to do otherwise, immediately to investigate the subject, and in behalf of the board of health, of which he is an executive officer, to order the prompt and thorough isolation of those sick or infected with such disease, so long as there is danger of their communicating the disease to other persons; to order the prompt vaccination or isolation of persons who have been exposed to small-pox; to see that no person suffers for lack of nurses or other necessities because of isolation for the public good; to give public notice of infected places by placard on the premises, and otherwise if necessary; to promptly notify teachers or superintendents of schools concerning families in which are contagious diseases; to supervise funerals of persons dead from scarlet fever, diphtheria, small-pox, or other communicable disease which endangers the public health; to disinfect rooms, clothing, and premises, and all articles likely to be infected, before allowing their use by persons other than those in isolation; to keep the president of his own board of health, and the secretary of the State board of health constantly informed respecting every outbreak of a disease dangerous to the public health, and of the facts so far as the same shall come to his knowledge, respecting sources of danger of any such diseased person or infected article being brought into or taken out of the township, city, or village of which he is the health officer.

Powers and duties of health officers in reference to diseases dangerous to public health.

SEC. 2. In the absence of regulations conflicting therewith, made and published by the local board of health, and still remaining in force, the provisions of section one of this act shall have the force of regulations made and published by the local board of health; and whoever shall violate the provisions of section one of this act, or the orders of the health officer made in accordance therewith, shall forfeit for each such offense a sum not exceeding one hundred dollars.

Provisions to have force of regulations of local boards of health in certain cases.

Penalty for violation of provisions.

SEC. 3. In the fulfillment of the requirements of this act, the health officer, unless other provision shall have been made in accordance with law, shall be entitled to receive from the township, city, or village of which he is health officer, compensation at the rate of not less than two (2) dollars per day: *Provided,* That this section shall not be construed to conflict with any action by the local board of health, under section sixteen hundred and ninety-

Compensation of health officer.

Proviso.

three, of the compiled laws of eighteen hundred and seventy-one, as amended by act number two hundred and two, of the laws of eighteen hundred and eighty-one.

Approved June 1, 1883.

[No. 138.]

AN ACT to prevent the sale and use of toy pistols.

Sale, etc.,
of cartridges,
pistols, etc.,
forbidden.

SECTION 1. *The People of the State of Michigan enact*, That no person shall sell, give, or furnish to any child under the age of thirteen years, any cartridge of any form or material, or any pistol, gun, or other mechanical contrivance, specially arranged or designated for the explosion of the same.

Penalty for.

SEC. 2. Any person, violating any of the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars, nor more than fifty dollars, and costs of prosecution, or imprisonment in the county jail not less than ten days nor more than ninety days, or both such fine and imprisonment, in the discretion of the court.

Certain persons
not to have
same in their
possession.

SEC. 3. It shall be unlawful for any person under the age of thirteen years, to have in possession, or use any of the articles named in section one of this act.

Approved June 2, 1883.

[No. 139.]

AN ACT to amend section five of chapter one hundred and sixty-five, of the revised statutes of eighteen hundred and forty-six, as amended by act number seventy-two, of the session laws of eighteen hundred and sixty-one, being compiler's section seven thousand nine hundred and fifty-one, of the compiled laws of eighteen hundred and seventy-one, relative to peremptory challenges of jurors in criminal cases.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of chapter one hundred and sixty-five, of the revised statutes of one thousand eight hundred and forty-six, as amended by act number seventy-two, of the session laws of one thousand eight hundred and sixty-one, being compiler's section seven thousand nine hundred and fifty-one, of the compiled laws of one thousand eight hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Peremptory
challenges.

SEC. 5. Any person who is put on trial for an offense, for which such person may be punished with death, or imprisonment for life, shall be allowed to challenge peremptorily thirty of the persons returned as jurors, and no more; and the prosecuting officers, on

behalf of the people shall be allowed to challenge in such cases peremptorily, fifteen of the persons returned as jurors, and no more.
Approved June 2, 1883.

[No. 140.]

AN ACT to regulate the practice of dentistry in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That it shall hereafter be unlawful for any person to practice dentistry, in this State, unless such person has received a diploma from the faculty of a reputable dental college, duly incorporated under the laws of this, or some other State of the United States, or a certificate of qualification from the board of examiners, provided for by this act: *Provided*, That the provisions of this section shall in no way apply to, or affect any person who is now located, and in actual practice in this State. Practice of dentistry forbidden without diploma, etc.
Proviso.

SEC. 2. Said board of examiners shall be appointed by the governor of this State, and shall consist of three practical dentists, who shall be regular graduates of a reputable dental college, duly incorporated under the laws of this, or some other State of the United States, or otherwise possess the necessary qualifications contemplated by this act. Board of examiners.

SEC. 3. Each member of this board of examiners shall serve for a term of three years, and until his successor is duly appointed and qualified; except in case of the first board, the members thereof shall serve respectively one, two, and three years, as specified in the appointment of the governor. Term of office.

SEC. 4. The board of examiners shall be organized as follows: The member having but one year to serve, shall be president of the board; the one having two years shall be treasurer, and the one having three years shall be secretary. The treasurer shall make and file with the secretary of State, a good and sufficient bond to the people of the State of Michigan, in the penal sum of one thousand dollars, conditioned that he will well and truly pay over all moneys received by him as such treasurer, in compliance with the provisions of this act, and otherwise faithfully discharge the duties of his office. Organization of board.
Bond of treasurer.

SEC. 5. The board of examiners shall meet at least once in each year, for the purpose of examining applicants, after having given personally, or by mail, thirty days' written or printed notice to each practicing dentist in the State, who has filed his name and postoffice address with the secretary of said board. The said board is authorized to incur all necessary expenses in the prompt and efficient discharge of its duties, and pay the same with any moneys in the hands of its treasurer. Meetings of board.

SEC. 6. Each member of said board shall qualify by taking the oath of office prescribed by the constitution of this State, and filing

Vacancies.	the same with the secretary of State, before entering upon the duties of his office. Should a vacancy occur in said board, the governor of this State shall fill the same by appointment.
Granting of licenses by members of.	SEC. 7. Any member of said board of examiners may, when the board is not in session, examine applicants, and in case any applicant is found competent, grant a license to him to practice dentistry in this State, until the next meeting of the said board, and no longer, upon the payment of the sum of three dollars: <i>Provided</i> , No member of the said board shall grant a license to one who has been rejected on an examination by the board.
Proviso.	SEC. 8. Should any member of said board be unable to attend at the meeting of the board for the examination of applicants, he may appoint in writing a substitute, who shall have the same power on the examination that the member appointing him would have, if present: <i>Provided</i> , Such substitute be a person eligible to be a member of said board within the provisions of this act: <i>And provided</i>
Members may appoint substitute.	<i>further</i> , That the appointment of such substitute be by and with the written consent of the other members of the board.
Proviso.	SEC. 9. Each applicant shall, on receipt of a license to practice, pay into the treasury of the board the sum of ten dollars, which shall constitute a fund to defray the expenses of the board; and each member of the board shall receive therefrom the sum of three dollars per day for services rendered as such examiner. The said board shall keep a list of the names of all persons to whom licenses have been granted under the provisions of this act, and also of all persons practicing dentistry in this State, in a book provided for that purpose, with the names arranged in alphabetical order.
Further proviso.	SEC. 10. Any sum in excess of one hundred dollars which, under the provisions of this act, may accumulate in the treasury of said board, shall be paid by treasurer thereof into the treasury of this State.
Fee to be paid for licenses.	SEC. 11. Each person now engaged in the practice of dentistry in this State shall, within ninety days after this act takes effect, send an affidavit to the secretary of said board setting forth his name, place of business, postoffice address, the length of time he has been engaged in practice in this State, and if a graduate of a dental college state the name of the same, and also pay to the treasurer of said board the sum of twenty-five cents, and on failure to comply with the provisions of this section he shall be required to appear and be examined by said board.
Compensation of members of board, etc.	SEC. 12. Any person who shall practice dentistry in this State in violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars, nor more than one hundred dollars, or sentenced to imprisonment in the county jail for a period not exceeding ninety days, or both such fine and imprisonment, in the discretion of the court: <i>Provided</i> , That nothing in this act shall be construed so as to interfere with physicians and surgeons in their practice as such.
List of persons licensed.	
What moneys to be paid into State treasury.	
Persons now practicing dentistry to furnish affidavit, etc.	
Penalty for violation of provisions of this act.	
Proviso.	

Approved June 2, 1883.

[No. 141.]

AN ACT making appropriations for the board of fish commissioners for the year eighteen hundred and eighty-three and the year eighteen hundred and eighty-four.

SECTION 1. *The People of the State of Michigan enact*, That the sum of ten thousand dollars is hereby appropriated for the year eighteen hundred and eighty-three, commencing July first, eighteen hundred and eighty-three, and ending June thirtieth, eighteen hundred and eighty-four; and the sum of ten thousand dollars for the year eighteen hundred and eighty-four, commencing July first, eighteen hundred and eighty-four, and ending June thirtieth, eighteen hundred and eighty-five, for the necessary expense incurred by the State board of fish commissioners, which the State treasurer shall pay to the said board on the warrant of the auditor general, from time to time, as their vouchers for such expenses shall be exhibited and approved. Appropriation made.

SEC. 2. That a further sum of ten thousand dollars is hereby appropriated for the use of said board, for the year ending June thirtieth, eighteen hundred and eighty-four, for the purchase of necessary grounds, and the erection and equipment of a suitable building or buildings thereon, at such place or places as the said board shall select as most advantageous, for the purpose of propagating white fish and other food fishes, and for prosecuting the work entrusted by law to said board. Further appropriation for the propagation of fish, etc.

SEC. 3. The sum of twenty thousand dollars the auditor general shall add to and incorporate with the State tax for the year eighteen hundred and eighty-three, and the further sum of ten thousand dollars he shall add to and incorporate with the State tax for the year eighteen hundred and eighty-four, which sums, when collected, shall be paid into the State treasury to reimburse the same for the amounts to be drawn, as provided in section one of this act. Auditor general to incorporate with State tax, etc.

SEC. 4. All persons having a residence in this State, engaged in fishing as a business for the whole or any portion of the year, in any of the great lakes or Detroit river shall, on or before the twenty-fifth day of November of each year, report to the superintendent of fisheries, at Detroit, the amount in pounds of all the food-fish caught by them during the year, together with the average price received per pound. Any person neglecting or refusing to make the report provided for in this section shall, upon conviction thereof, pay a fine of ten dollars and costs of suit, to be recovered by the superintendent of fisheries or any one of the fish commission, in an action before any justice of the peace in the State of Michigan. Fishermen to report to superintendent of fisheries.

This act is ordered to take immediate effect.

Approved June 2, 1883. Penalty for neglect to make report.

[No. 142.]

AN ACT to provide for selecting petit jurors in the upper peninsula.

By whom
list of petit
jurors in the
upper peninsula
selected.

SECTION 1. *The People of the State of Michigan enact*, That the county clerk, judge of probate, sheriff, and county treasurer of each county in the upper peninsula are hereby constituted a board for the purpose of selecting a list of names of persons, annually, to act as petit jurors in the circuit courts in such counties: *Provided*, The provisions of this act shall not apply to the counties embraced in the eleventh judicial district.

Proviso.

Meeting of said
board, selection
of list, etc.

SEC. 2. Said board shall meet annually in the month of May, at such time and place as they may agree upon, and it shall be their duty to select a list of persons qualified to serve as jurors in courts of record, and file such list with the county clerk. Said list shall be used in drawing petit jurors for the succeeding year ending May thirty, instead of the lists now required by law to be annually returned by the supervisors of townships. Said board, in selecting and returning the names of persons to be drawn as jurors, shall be controlled by the general laws of this State governing supervisors in selecting jurors, not inconsistent herewith.

Legality of list
not to be ques-
tioned after
it is filed.

SEC. 3. After such lists are made and filed, their legality or regularity shall not be questioned, providing it appears that the signatures of a majority of said officers are affixed to such lists.

Laws governing
proceedings.

SEC. 4. All other proceedings in the selecting and drawing of such petit jurors, not herein provided for, shall be governed by the general laws of the State.

Approved June 5, 1883.

[No. 143.]

AN ACT to amend section three of act number one hundred and sixty-seven of the session laws of eighteen hundred and eighty-one, being an act entitled "An act to provide for the republication and disposition of thirty thousand copies of Robertson's 'Michigan in the war,' and such additional copies as may be required to supply the demand therefor."

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of act number one hundred and sixty-seven, of the session laws of eighteen hundred and eighty-one, entitled "An act to provide for the republication and disposition of thirty thousand copies of Robertson's 'Michigan in the war,' and such additional copies as may be required to supply the demand therefor," be amended so as to read as follows:

Who entitled to
copy of work.

SEC. 3. Any person who served in any Michigan regiment, battery, or company during the late war and has been honorably discharged, or any person who served in any regiment, battery, or company from any other State, or in the regular army, or in the navy, properly accredited to the State of Michigan, and has been honor-

ably discharged, or if such person be dead, then his widow, if living, or if she be dead his father, if living, and if he be dead then the mother of any of such persons, and any person who is still in the service shall be entitled to receive one copy of said work on presenting to the librarian the certificate of the adjutant general that such person so served, or is the widow, or father, or mother, as above provided, of a person who so served, and if the application for such copy be not made in person, by depositing with such librarian thirty-two cents to cover the expense of sending such book.

This act is ordered to take immediate effect.

Approved June 5, 1883.

[No. 144.]

AN ACT to provide for the compulsory education of children in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That every parent, guardian, or other person, in the State of Michigan, having control and charge of any child or children between the ages of eight and fourteen years, shall be required to send such child or children to a public school for a period of at least four months in each school year, commencing on the first Monday of September, in the year eighteen hundred and eighty-three, at least six weeks of which shall be consecutive, unless such child or children are excused from such attendance by the board of the school district in which such parents, or guardians reside, upon its being shown, to their satisfaction, that his bodily or mental condition has been such as to prevent his attendance at school, or application to study for the period required, or that such child or children are taught in a private school, or at home, in such branches as are usually taught in primary schools, or have already acquired the ordinary branches of learning taught in public schools: *Provided*, Parents, guardians, etc., to send children to school. In case a public school shall not be taught for four months during the year, within two miles by the nearest traveled road of the residence of any person within the school district, he shall not be liable to the provisions of this act. Provided.

SEC. 2. No child, under the age of fourteen years, shall be employed by any person, company, or corporation, to labor in any business, unless such child shall have attended some public or private day school, where instruction was given by a teacher qualified to instruct in such branches as are usually taught in primary schools, at least four months of the twelve months next preceding the month in which such child shall be so employed: *Provided*, Children under fourteen years of age not to be employed, etc. That a certificate from the director of the school district in which such child shall have attended school, shall be evidence of a compliance with the provisions of this act. Provided.

SEC. 3. Every parent, guardian, or other person, having charge or control of any child from eight to fourteen years of age, who has been temporarily discharged from any business or employment, Children discharged from employment to be sent to school.

shall send such child to some public or private day school, for the period for which such child shall have been discharged, unless such child shall have been excused from such attendance by the board of the school district, for reasons as stated in section one hereof.

Board to furnish certain children with books.

SEC. 4. It shall be the duty of the school district board, of each district of the State, to purchase and furnish, at the expense of the district, such text books as may, in the judgment of said board, be necessary for the use of children whose parents are not able to furnish the same, the expense of such books to be levied in like manner as other district taxes.

Punishment for failure to comply with provisions of this act.

SEC. 5. In case any parent, guardian, or other person, shall fail to comply with the provisions of sections two, three, or four of this act, such parent, guardian, or other person shall be deemed guilty of a misdemeanor, and shall, on conviction, be liable to a fine of not less than five dollars nor more than ten dollars, for the first offense, and of not less than ten dollars for each subsequent offense.

Establishment of ungraded schools for certain children.

SEC. 6. In all cities and villages in this State, having a population of five thousand, and upwards, the board of education, or such other officer, or officers, having charge of the schools of said cities, townships, and villages, may establish one or more ungraded schools, for the instruction of children, as defined and set forth in the following sections:

What children subject to provisions of this act.

SEC. 7. All persons between the ages of eight and fourteen [sixteen] years, who are habitual truants from school, or who, while in attendance at any public school, are incorrigible, vicious, or immoral in conduct, and all persons between said ages, who absent themselves from school, and habitually wander about streets and public places, having no business, or lawful occupation, shall be deemed juvenile disorderly persons, and subject to the provisions of this act.

Truant officers.

SEC. 8. In all cities having a duly organized police force, it shall be the duty of the police authority, at the request of the school authority, to detail one or more members of said force, to assist in the enforcement of this act, and in cities, or villages having no regular police force, it shall be the duty of the board of education, or the school district officers, to designate one or more constables, of said city, township, or village, whose duty it shall be to assist in the enforcement of this act, as occasion may require, and said board of education shall fix and determine the compensation to be paid such constable for the performance of his duties under this act. Members of any police force, or any constable designated to assist in the enforcement of this act, as provided in this section, shall be known as truant officers.

Notice to be given to offenders and their parents, guardians, etc.

SEC. 9. It shall be the duty of any such truant officer or officers detailed to enforce the provisions of this act, to examine into any cases of truancy, when requested so to do by the district board or by its authorized officers, and to warn such truants, their parents or guardians, in writing, of the final consequences of truancy if persisted in, and also to notify the parent, guardian, or other person having the legal charge and control of any juvenile disorderly person that the said person is not attending any school, and to require said

parent, guardian, or other person to cause [the] said child to attend the ungraded school, established as provided for in this act, within five days from said notice, and it shall be the duty of said parent, guardian, or other person having the legal charge and control of said child to cause the attendance of said child at the ungraded school established in the city or village. If said parent, guardian, or other person having the legal charge and control of said child shall willfully refuse, fail, or neglect to cause said child to attend said ungraded school, it shall be the duty of said officer to make or cause to be made a complaint against said parent, guardian, or other person having the legal control and charge of such person, before a justice of the peace in the city where the party resides, except in the city of Detroit, where complaint shall be made in the recorder's court thereof, for such refusal or neglect, and upon conviction thereof said parent, guardian, or other person, as the case may be, shall be punished by a fine of not less than ten dollars, nor more than twenty-five dollars, or the court may in its discretion require the person so convicted to give a bond in the penal sum of one hundred dollars, with one or more sureties, to be approved by said court, conditioned that said person so convicted shall cause the child or children under his legal charge or control, to attend at the ungraded school, within five days thereafter, and to remain at said school during the full school term: *Provided*, That if said parent, or guardian, or other person in charge of said child shall prove inability to cause said child to attend said ungraded school, then said parent, or guardian, or other person shall be discharged, and said justice of the peace, or court shall, upon complaint of said truant officer, or other person, that said child is a juvenile disorderly person, as described in section seven of this act, proceed to hear such complaint, and if said justice of the peace or court shall determine that said child is a juvenile disorderly person within the meaning of this act, then said justice of the peace or court shall thereupon sentence said child to the reform school at Lansing, or the industrial home for girls at Adrian, as the case may be, until said child shall arrive at the age of sixteen years, unless sooner discharged by the board of control of said reform school or industrial home for girls: *Provided, however*, That such sentence may be suspended in the discretion of said justice of the peace, or judge of the recorder's court for such time as said child shall regularly attend school, and properly deport himself. It is further provided that if for any cause the parent, or guardian, or other person having charge of any juvenile disorderly person, as defined in this act, shall fail to cause such juvenile disorderly person to attend said ungraded school, then complaint against such juvenile disorderly person may be made, heard, tried, and determined, in the same manner as is provided for in case the parent pleads inability to cause said juvenile disorderly person to attend said ungraded school, and it is further provided that no child under the age of ten years shall be sent to the reform school.

Proceedings when parents, guardians, etc., refuse or neglect to cause said children to attend, etc.

Proviso in reference to inability of parents, etc., to cause child to attend.

Proviso in reference to suspension of sentence.

SEC. 10. In case any child, while in attendance upon any public school, shall be incorrigible, vicious, and persistently refuses to obey any reasonable rule for the government of said school, the school

Children may be sent to ungraded school from other schools.

authorities may direct said child to attend at the ungraded school provided for in this act; and any such child who, after such requirement, shall be incorrigible, vicious in conduct, or habitually truant from such ungraded school, may be proceeded against as a juvenile disorderly person, under the provisions of section nine of this act.

Books to be provided in certain cases.

SEC. 11. When it appears to the school authorities that the parent, guardian, or other person is unable to provide suitable books for said child, said child shall be furnished by the school board with such books as are required in the course of studies pursued in such ungraded school, and said books shall be the same in all respects as those in use in other schools in said city, township or village, and no distinction in form, color or substance shall be permitted. The expense of said books shall be paid for from the school fund of said municipality, and levied and collected in the same manner as all other school taxes.

Duties of officers in prosecutions under this act.

SEC. 12. It shall be the duty of the officers detailed or appointed under the provisions of this act, to assist in the enforcement thereof, to institute, or cause to be instituted, proceedings against any parent, guardian, or other person having legal charge and control of any child, or any person, company, or corporation, violating any of the provisions of sections one, two, three, four, and five of this act; and in school districts and cities, and villages of less than five thousand inhabitants, it shall be the duty of the school board to institute, or cause to be instituted such proceedings.

Proceedings against corporations for violations.

SEC. 13. When any of the provisions of this act are violated by a corporation, proceedings may be had against any of the officers or agents of said corporation who in any way participate in or are cognizant of such violation by the corporation of which they are the officers or agents, and said officers or agents shall be subject to the same penalties as individuals similarly offending.

Approved June 5, 1883.

[No. 145.]

AN ACT to amend section five thousand and fifty-nine, of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and twenty-nine, of the session laws of eighteen hundred and eighty-one, approved May seventh, eighteen hundred and eighty-one, relative to the jurisdiction of circuit courts in chancery.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That section five thousand and fifty-nine, of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and twenty-nine, of the session laws of eighteen hundred and eighty-one, approved May seventh, eighteen hundred and eighty-one, and the same is hereby amended so as to read as follows:*

What suits to be dismissed.

(5059.) SEC. 23. Such courts shall dismiss every suit concerning property, excepting suits between co-partners, and suits for the enforcement of mechanics' liens, suits for the foreclosure of

mechanics' liens, and suits for the foreclosure of mortgages, where the matter in dispute shall not exceed one hundred dollars with costs to the defendant. Any person, his heirs, or assigns, holding a mining option or agreement for a mining lease or license, containing the usual clause found in mining leases or licenses, allowing lessees to terminate such leases or licenses, on notice, shall have an absolute right to have such options or agreements specifically enforced in chancery, if not in default in his part of the agreement himself. Any person, his heirs or assigns, holding an agreement for an interest in any such lease or license from the lessee, shall have an absolute right to have the same specifically enforced in chancery, if not in default himself: *Provided*, That in all such suits for specific performance of mining options and leases, either party shall be entitled to a jury, and the verdict of such jury shall have the same force and effect as a verdict in any other suit in chancery. The remedy herein given for the enforcement of mining options shall apply to existing as well as future options.

Enforcement of specific performance of mining options, etc.

Proviso.

Approved June 5, 1883.

[No. 146.]

AN ACT to provide for taking the census and statistics of this State.

SECTION 1. *The People of the State of Michigan enact*, That after the annual township meeting, and on or before the first Monday of May, in the year eighteen hundred and eighty-four, the township board of each organized township in this State, and the common council of each incorporated city shall appoint one census enumerator, and such number of assistants as may be necessary for each assessment district in such township or city. It shall also be the duty of each township board and common council to remove, for cause, any enumerator so appointed, and to forthwith fill any vacancy that may occur in the office of census enumerator: *Provided*, That no member of a township board shall be ineligible to the office of census enumerator by reason of being a member of such board: *Provided further*, That in case the township board of any township, or the common council of any city shall fail to appoint enumerators, as required by this section, it shall be the duty of the governor, when notified of such failure, to appoint enumerators for such township or city. The enumerators so appointed shall file the oath of office, perform the same duties, be subject to the same penalties, and receive the same compensation as enumerators appointed by township boards and common councils.

Appointment of census enumerators, assistants, etc.

Removal.

Proviso.

Further provide in reference to appointments.

Duties and liabilities of enumerators.

SEC. 2. That the census enumerators and assistants, so appointed, shall within five days after such appointment, take and subscribe the constitutional oath of office, and file the same, if a township enumerator, with the township clerk, and if a city enumerator, with the city clerk, and it shall be the duty of the township and city clerks, immediately after the filing of such oaths, to transmit

Oath to be taken and filed, etc.

the names and postoffice addresses of the persons so appointed and qualifying, to the clerks of their respective counties.

List, etc., of
enumerators to
be sent to Secre-
tary of State.

SEC. 3. That the clerk of each county shall, as soon as practicable, and before the twentieth day of May, transmit to the secretary of State a list of the names and postoffice addresses of all census enumerators, in their respective counties.

When census
shall be taken,
etc.

SEC. 4. That the census enumerators shall take the census and statistics required by this act, as of date June one, eighteen hundred and eighty-four. They shall commence the enumeration on the first day of June immediately following their appointment, and each enumerator shall prosecute the canvass of his township or census district from that date forward on each week-day without intermission, except for sickness or other urgent cause; and any unnecessary cessation of his work shall be sufficient ground for his removal and the appointment of another person in his place, and any person so appointed shall take the oath required of enumerators, and shall receive compensation at the same rates. And it shall be the duty of each enumerator to complete the census and statistics of his township or census district on or before the thirtieth day of June.

Duties of enu-
merators in tak-
ing census, etc.

SEC. 5. That it shall be the duty of each census enumerator, after qualifying in the manner required by this act, to visit personally, within the time specified in this act, each dwelling house in his township or census district, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of such family, or of the member thereof deemed most credible and worthy of trust, or of such individual living out of a family, to obtain each and every item of information, and all the particulars required by this act. And in case no person shall be found at the usual place of abode of such family, or individual living out of a family, competent to answer the inquiries made in compliance with the requirements of this act, then it shall be lawful for the enumerator to obtain the required information, as nearly as may be practicable, from any reliable source: *Provided*, That Indians not taxed shall be omitted from the enumeration: *And provided further*, That the census of each village shall be taken separately from that of the township in which such village is located.

Proviso.

Enumerators to
notify clerks of
completion
of schedules.

SEC. 6. That it shall further be the duty of each census enumerator, immediately after completing the canvass of his township or district, to notify the township clerk or city clerk, as may be proper, that he has completed the census schedules of his township or district. Upon receiving such notice it shall be the duty of the township clerk to call a meeting of the township board, and of the city clerk to call a meeting of the board of review, provided by law for the assessment district constituting such census district; and, unless such meeting is held at an earlier date, it shall be held on the first week day in July, eighteen hundred and eighty-four, and due notice thereof shall be given by the said township and city clerks. At such meeting the census enumerator shall submit to such board census schedule number one, and the said

Clerk to call
meeting of
township
board, etc.

When meeting
to be held.

board, together with the enumerator, shall proceed to examine such schedule, for the purpose of correcting the enumeration, by striking out or adding the designation of persons improperly enumerated or omitted; but no change shall be made in such schedule, except by the census enumerator, and by him only upon evidence, satisfactory to himself, that such change is necessary to the accuracy of such schedule, and for the purpose of securing such evidence, he may swear and examine witnesses, who shall testify subject to the pains and penalties of perjury: *Provided*, That if the census enumerator shall refuse to make any change deemed necessary, and demanded by the said board, then it shall be the duty of said board to make a certified statement of the change demanded by them, with the reasons therefor, which statement shall be attached to and returned with such schedule, by the census enumerator, and the census enumerator shall also attach to such schedule a certified statement of his reasons for not complying with the demand of the board. Immediately on the receipt by the secretary of State of such schedule, with statements attached, he shall carefully examine such statements, and if, in his opinion, the change demanded is of sufficient importance, he shall submit the matter to the governor, who may order a new enumeration, or make any other order in the matter he may deem just and proper: *Provided*, That in case the governor shall order a new enumeration, it shall be taken as of the date of June one, eighteen hundred and eighty-four.

Board and enumerator to make corrections, etc.

By whom changes made.

Proviso.

When new enumeration may be ordered, etc.

Proviso.

SEC. 7. It shall be the duty of each census enumerator, immediately after the examination provided for in the preceding section, to return the original census schedules, duly certified, to the county clerk of his county, as his returns, under the provisions of this act. And it shall be the duty of the county clerk, after satisfying himself that they are properly made out, and duly certified, to forward them to the secretary of State, on or before the tenth day of July: *Provided*, That if at that date the schedules of any township, or census district, have not been received by such county clerk, he shall forward the same as soon as they are received.

Census schedule to be forwarded to county clerks, etc.

Proviso.

SEC. 8. That each census enumerator shall receive, as full compensation for services performed under this act, two dollars and fifty cents per day of ten hours, for the time he is actually and necessarily engaged in canvassing his township, or census district; two dollars and fifty cents per day for the review of schedule number one, provided for in section six, of this act; ten cents per mile for going to the office of the county clerk, to obtain the necessary blank schedules, and ten cents per mile for conveying the returns to the office of the county clerk; and the sum due each enumerator shall be calculated at the rate aforesaid, by the county clerk to which the returns are made, and his certificate of the amount due shall be paid by the county treasurer: *Provided*, That before the county clerk shall give to any enumerator a certificate of amount due, such enumerator shall attach a certificate, signed by him, to each schedule of said returns, in the following form, to wit: "I do hereby certify that the census and statistics set forth in the sched-

Compensation and fees of enumerator.

County clerk to certify amount due, etc.

Proviso.

Certificate of enumerator.

Certificate of
time spent, to
be filed, etc.

Compensation
of members
of boards.

Schedules to be
numbered.

What schedule
number one
to contain.

What schedule
number two
to contain.

What schedule
number three
to contain.

ules hereunto annexed, have been made out, in every respect, in conformity with the provisions of the act for taking the census, and statistics, of this State, for the year eighteen hundred and eighty-four, and that they are complete, and accurate, according to my best knowledge and belief." The census enumerator shall also file with the county clerk, a certified statement of the number of days actually and necessarily engaged in canvassing his township, or census district, and in the review of schedule number one, provided for in section six of this act. The township board, and members of the board, or boards of review in cities, for services performed in compliance with the requirements of section six of this act, shall be entitled to the same compensation, and be paid in the same manner, as the members of the board of review of assessments.

SEC. 9. That the census schedules shall be numbered one, two, three, and four. *Schedule number one* shall contain inquiries as to the name, age at last birthday, sex, and color; as to the profession, occupation, or trade; as to the occupation of fathers of children under fifteen years of age; as to the place of birth, as to the [and] place of birth of parents, as to the month of birth, if born within the preceding year, and the number of children previously born of the same mother; as to the civil condition whether single, married, widowed, or divorced; as to the month and place of marriage, if married within the preceding year; as to the ability to read and write; as to the physical condition, whether insane, epileptic, idiotic, deaf and dumb, or blind; and as to the time of residence within this State of each and every inhabitant of each township and census district, on the first day of June of the year eighteen hundred and eighty-four. *Schedule number one* shall also designate the heads (husband and wife) of each family, and shall contain inquiries as to the relation of each person enumerated to the heads (husband and wife) of the family,—whether son, daughter, servant, boarder or other; also inquiries as to the whole number of marriages; and, by sex, the whole number of births and the whole number of deaths occurring during the preceding year. *Schedule number two* shall contain inquiries as to the name, age at last birthday, sex, and color; as to the profession, occupation, or trade; as to the occupation of fathers of persons under fifteen years of age, deceased; as to the place of birth, and place of birth of parents; as to the month of birth, if born within the preceding year; as to the civil conditions at time of death, whether single, married, widowed, or divorced; as to the month and place of marriage, if married within the preceding year; as to the physical condition, whether insane, epileptic, idiotic, deaf and dumb, or blind; as to the month of death, disease or other cause of death, the place where such death occurred, and time of residence within this State of each and every inhabitant whose death occurred during the preceding year. *Schedule number three* shall contain inquiries as to the number, size, improvements, and value of farms; as to the wages paid farm help; as to the acreage and yield of the various farm products, and as to the number of pounds of butter and cheese

made by farmers during the preceding year; as to the number of pounds of maple sugar made the present year; as to the number of each kind of live stock on hand, the value of live stock, and as to the acreage of growing crops. *Schedule number four* shall contain inquiries as to the name of each corporation, company, or individual owning or operating each establishment of productive industry, including mines and fisheries, in which the value of the products amounts to two hundred dollars or over; as to the name of the business, manufacture, or product, and the capital, both real and personal, invested in the business; as to the kind of power used, and the kind and number of machines used; as to the average number of hands and the [number of] children or youth employed; as to the sex of the hands employed; as to the total amount paid in wages and the number of months in active operation the preceding year; as to the kind, quantity, and value of materials, and as to the kind, quantity, and value of productions the preceding year. The secretary of State may, in his discretion, add to the census schedules inquiries of special importance, not named in this section.

What schedule number four to contain.

SEC. 10. That the term "preceding year," wherever used in this act, shall be construed to mean the year ending June first, eighteen hundred and eighty-four.

Term preceding year.

SEC. 11. That any enumerator who, having taken and subscribed the oath required by this act, shall without justifiable cause, neglect or refuse to perform any of the duties enjoined on him by this act, within the time limited by this act, or shall communicate to any person not authorized to receive the same, any statistics of property or business included in his return, shall be guilty of a misdemeanor, and upon conviction thereof, shall forfeit a sum not exceeding three hundred dollars, or be imprisoned in the county jail not exceeding thirty days, or both such fine and imprisonment, in the discretion of the court, or if he shall wilfully and knowingly make false certificates or fictitious returns, he shall be deemed guilty of a misdemeanor, and upon conviction, forfeit and pay a sum not exceeding five hundred dollars and be imprisoned not exceeding two years.

Penalty for neglect of duty, etc., by enumerators.

SEC. 12. That it shall be the duty of the township board of any township and of each member thereof, and of the common council of any incorporated city, and of each member thereof, having knowledge of any violation of the provisions of the foregoing section by any enumerator appointed by such township board or common council, to at once notify the prosecuting attorney of the county where the offense occurred. And in case the offense consists in the failure of an enumerator to make his returns to the county clerk in proper form, duly certified and within the time prescribed by this act, then it shall be the duty of such clerk to notify the prosecuting attorney of his county.

Duty of members of township board, etc., to notify prosecuting attorney of offenses under this act.

SEC. 13. That each and every person more than eighteen years of age, belonging to any family residing in any township, or census district, and in case of the absence of the heads and other members of any such family, then any agent of such family shall be, and each of them hereby is required, when thereto requested by the

Penalty for refusal of persons to furnish information to enumerator when requested.

census enumerator, to render a true account, to the best of his or her knowledge, of every person belonging to such family; and whoever shall willfully fail or refuse shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum of fifty dollars, or be confined in the county jail not more than six months. And every owner, lessee, agent, or manager in charge of any establishment of productive industry, or farm, and every president, treasurer, secretary, general agent, or managing director of every corporation owning or operating any such establishment or farm, who shall, when thereto requested by the census enumerator, willfully neglect or refuse to give true and complete answers to any inquiries authorized by this act, shall forfeit and pay a sum not less than five hundred, nor more than five thousand dollars, and in addition shall be guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail for a term not exceeding one year. And it shall be the duty of the census enumerator to promptly notify the prosecuting attorney of his county of any penalty incurred in his township or census district under the provisions of this section.

Enforcement
of fines and
penalties.

SEC. 14. That all fines and penalties imposed by this act may be enforced by appropriate action at law in any court of competent jurisdiction in the county where such offenses shall have been committed or forfeitures incurred, and all forfeitures, when recovered, shall be for the use of such county.

Duty of prosecuting attorney
in case of
offenses, etc.

SEC. 15. That it shall be the duty of the prosecuting attorney of each county, when notified of any forfeiture or penalty incurred under the provisions of this act, to immediately commence suit against the parties offending, and prosecute the same to a final termination.

Schedules, pamphlets, etc., to be prepared by secretary of State and forwarded to county clerks.

SEC. 16. That the secretary of State shall prepare the blank schedules required by this act, and shall transmit to the several county clerks of the State a sufficient number for each township or census district in each county, on or before the first day of January, of the year one thousand eight hundred and eighty-four; the secretary of State shall also prepare a pamphlet of instructions, including a copy of this act, for taking the census and statistics, and transmit to the several county clerks a sufficient number of copies of the same to supply each census enumerator with one copy; and it shall be the duty of each county clerk to receive such schedules and pamphlets in his office, and on or before the twentieth day of May next thereafter cause to be delivered to the census enumerator of each township and census district in his county, one copy of the pamphlet of instructions, and a sufficient number of the several census schedules to take the census and statistics of his township or census district.

County clerk to deliver same to enumerator.

Secretary of State to publish census, etc., and distribute same.

SEC. 17. That it shall further be the duty of the secretary of State to condense and arrange in proper form for publication, the census and statistics of this State, taken in pursuance of the provisions of this act, and when so condensed and arranged he shall cause two thousand four hundred copies to be printed and bound and shall distribute the same to the officers, boards of officers and others

entitled to the joint documents of this State. He shall also cause a sufficient number of copies to be printed and bound to supply crop correspondents and census enumerators with one copy each, and one thousand copies to be deposited in the office of the secretary of State to supply future demands.

SEC. 18. That it shall be the duty of the governor to appoint enumerators to take the census in unorganized territory not legally attached to any organized township or census district for the purpose of assessment. The enumerators so appointed shall make their returns to the county clerk of the organized county to which such unorganized territory is attached for judicial purposes, and the sum due such enumerators shall be calculated by the county clerk and paid by the county treasurer of such organized county, according to the provisions of section eight of this act.

Appointment,
etc., of enumera-
tors in unor-
ganized terri-
tory, etc.

SEC. 19. That in case the census returns of any township or census district are by any means lost or destroyed, the governor shall, on proper evidence being furnished by the secretary of State, at once order a new enumeration, which enumeration shall be taken as of the date of June first, one thousand eight hundred and eighty-four.

When census
returns are lost,
destroyed, etc.

SEC. 20. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Acts repealed.

SEC. 21. That censuses, subsequent to that of eighteen hundred and eighty-four, shall be taken pursuant to the provisions of this act.

Taking of subse-
quent censuses.

Approved June 5, 1883.

[No. 147.]

AN ACT to amend section fifty-eight, of chapter one hundred and eighty-nine, of the compiled laws of eighteen hundred and seventy-one, being compiler's section six thousand and twenty-seven, relative to peremptory challenges of jurors, in civil and criminal cases.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-eight, of chapter one hundred and eighty-nine, of the compiled laws of one thousand eight hundred and seventy-one, being compiler's section six thousand and twenty-seven, be and the same is hereby amended so as to read as follows:

Section
amended.

SEC. 58. In all civil cases each party may challenge peremptorily four jurors, and in all prosecutions in the name of the people of this State, not otherwise especially provided for, the attorney appearing for the people, may challenge four jurors peremptorily, and the defendant may challenge five persons peremptorily, but in all cases of challenges for cause, such cause shall be immediately assigned, and the truth thereof shall be determined by the court.

Challenges.

SEC. 2. All acts and parts of acts conflicting with this act are hereby repealed.

Acts repealed.

Approved June 5, 1883.

[No. 148.]

AN ACT to amend sections one hundred and eighty-eight and one hundred and ninety-nine, of chapter one hundred and seventy-eight, of the compiled laws of eighteen hundred and seventy-one, relative to courts held by justices of the peace.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one hundred and eighty-eight and one hundred and ninety-nine, of chapter one hundred and seventy-eight, of the compiled laws of one thousand eight hundred and seventy-one, relative to courts held by justices of the peace, be and they are hereby amended so as to read as follows:

Costs and entry
fee to be paid.

SEC. 188. The appellant shall, within the said five days, in addition to the making and filing of an affidavit and bond, pay to the justice the costs of the judgment, together with the sum of one dollar for making his return to said appeal, and the farther sum of three dollars as clerk and entry fee, to be paid by said justice to the clerk of the court to which said appeal is taken, which sum, three dollars, shall be paid by the justice to the clerk of the court at the time of delivering the papers pertaining to the appeal to said clerk, and no appeal shall be allowed until the foregoing conditions are complied with, and all species of appeals ordered or directed by any court or judge, shall be and are hereby made subject to the same provisions of payment.

Proceedings on
filing return.

SEC. 199. On filing the return of the justice the circuit court shall become possessed of the cause the same as if it had been originally commenced in said appellate court; subject to the same rules and regulations, and for all fees and costs in the action in the appellate court the bond of the appellant shall be holden as if made and filed in the action originally commenced in said appellate court, and the appellate court shall have power to order new bonds or require security for costs and make other orders in its discretion as in actions originally therein commenced.

Bond of
appellant, etc.

Approved June 5, 1883.

[No. 149.]

AN ACT to authorize the board of supervisors of the several counties in this State to provide for ascertaining, preserving, and maintaining the original section corners and quarter posts, as surveyed and recorded by the original survey, and to repeal act number one hundred and fifty-nine, of the session laws of eighteen hundred and seventy-seven, act number two hundred and five, of the session laws of eighteen hundred and seventy-nine, and act number seventy three, of the session laws of eighteen hundred and eighty-one.

Ascertaining,
etc., of section
corners author-
ized.

SECTION 1. *The People of the State of Michigan enact*, That the boards of supervisors of the several counties in this State are hereby authorized to establish and perpetuate any government section cor-

ners or quarter posts in their respective counties, which they may have good reason to believe are lost, or are in danger of being lost, by the employment of a surveyor therefor, who shall keep a full and complete record of his work, giving in detail the evidences by which any corner is identified, also the manner in which any lost corner is identified, also the manner in which lost corners are reestablished; which record shall be kept in the same book provided by the county for surveyors' records, and kept in the office of the county surveyor, and the record so made and entered by the surveyor aforesaid, shall be received as evidence in all the courts of this State, wherein any question may arise as to the establishment or identification of such corner or corners: *Provided*, That such work shall be done only in such townships where a majority of the voters, voting, shall vote to raise such sum as is required, not exceeding two hundred and fifty dollars for any one township of thirty-six sections, or in that proportion for townships of greater or lesser size, for such work by any surveyor authorized to do such work, as provided in section one of this act: *And provided further*, That nothing in this act shall apply to lands where section and quarter section lines are already properly established. Such sum to be assessed upon the real estate of such township, according to its cash value. Such assessment to be levied, and the taxes therefrom collected in the same manner as other assessments and collection of taxes are made. Record thereof.
Provide.
Further provide.

SEC. 2. The surveyor, as above employed, shall sink into the earth, at all section and quarter post corners, from the surface to a depth of at least three feet, a column of broken brick, charcoal, broken stones, or other easily distinguishable substance, of a diameter of at least three inches, and carefully describe the same in the record of his survey, and also to mark and record new witness trees wherever possible to do so. Duties of surveyors in reference to.

SEC. 3. Act number one hundred and fifty-nine, of the session laws of eighteen hundred and seventy-seven, act number two hundred and five, of the session laws of eighteen hundred and seventy-nine, act number seventy-three, of the session laws of eighteen hundred and eighty-one, and all other acts or parts of acts conflicting with this act are hereby repealed. Acts repealed.

Approved June 5, 1883.

[No. 150.]

AN ACT to amend section twenty-two of chapter thirty-three of the compiled laws of eighteen hundred and seventy-one, relative to the inspection of salt, regarding the time that salt shall be kept in bins before packing.

SECTION 1. *The People of the State of Michigan enact*, That section fourteen hundred and seventy-nine (1479) of the compiled laws of eighteen hundred and seventy-one, being section twenty-two (22) of act number twenty-nine (29), of the session laws of Section amended.

eighteen hundred and sixty-nine, relative to the manufacture and inspection of salt, be amended so as to read as follows:

Inspection of salt
before shipment.

Salt to stand
twenty days
before packing.

(1479.) SEC. 22. No manufacturer or other person shall pack, or cause to be packed, or sell, or offer for sale in barrels, casks, boxes, sacks, or in bulk, any salt, until an inspector shall have determined, upon actual examination, that the same is sufficiently drained of pickle, and otherwise fit to pack. All salt shall stand in the boxes at least twenty days before packing, and the time will be taken to commence from the last discharge of wet salt into the bins; nor will the packing of any such salt be allowed until the same has been declared fit for that purpose upon an actual examination by the inspector or his deputy, and the packing of any salt without express permission, although twenty days may have elapsed, shall not be allowed.

Approved June 5, 1883.

[No. 151.]

AN ACT making an appropriation of moneys necessary for the paving of Cooper street, in front of lands owned by the State of Michigan, in the city of Jackson.

Appropriation
made.

SECTION 1. *The People of the State of Michigan enact*, That there shall be, and is hereby appropriated out of the State treasury the sum of three thousand and three hundred dollars, or so much thereof as shall be necessary, for the purpose of paving Cooper street in front of lands owned by the State of Michigan in the city of Jackson; which said moneys provided for in this act, shall be expended by and under the direction of the warden of the State prison at Jackson, for the purposes aforesaid, and shall be drawn from the treasury on the presentation of the proper certificates of said warden, to the auditor general, and on his warrant to the State treasurer: *Provided*, That the said city of Jackson shall, before or at the same time, pave said Cooper street, from the south line of said lands owned by the State of Michigan, south to Ganson street in said city.

Proviso.

Assessment
of tax for.

SEC. 2. There shall be assessed upon the taxable property of the State, in the year one thousand eight hundred and eighty-three, the sum of three thousand and three hundred dollars, to be assessed and levied in like manner as other State taxes are by law levied, assessed, and paid, which tax when collected shall be credited up to the general fund, to reimburse the same the sum to be drawn therefrom as provided in this act, and any sums drawn under provisions of this act, before the taxes herein authorized are collected, shall be returned when such taxes are collected.

Ordered to take immediate effect.

Approved June 5, 1883.

[No. 152.]

AN ACT to provide for the taxation of persons, copartnerships, associations, car loaning companies, corporations and fast freight lines engaged in the business of running cars over any of the railroads of this State, and not being exclusively the property of any railroad company paying taxes on their gross receipts.

SECTION 1. *The People of the State of Michigan enact, That* every person, copartnership, corporation, association, car loaning company or fast freight line engaged in the business of running cars over any of the railroads of this State, and not being exclusively the property of any railroad company paying taxes in this State, on their gross receipts, who are or may hereafter be engaged in the business of carrying passengers in any palace, drawing-room, sleeping, chair, or other car over or upon any railroad in this State, or any part thereof, for the right of occupancy of which passengers are required to pay a sum additional to that charged upon the ordinary cars of the road over which said palace, drawing-room, sleeping, chair, or other car, as aforesaid may be hauled, shall keep, in such manner as shall be prescribed by the commissioner of railroads, a just and true account of all sums so received by them as additional charges for the occupancy of such cars over any road or portion thereof, within the limits of this State, and shall, on or before the first day of April of each year, report to said commissioner of railroads, on blanks to be furnished by him for such purpose, the gross amount of such receipts as aforesaid, earned within the limits of this State, for the year ending on the thirty-first day of December next preceding the date of such report.

Persons, etc., engaged in running cars, etc., to keep account of receipts.

Annual report to commissioner of railroads.

SEC. 2. Every person, association, copartnership, or corporation owning, running or interested in any special, fast, through, or other stock, coal, or refrigerator car freight lines, the cars of which are not the exclusive property of railroad companies, also any car loaning company, incorporation, copartnership, or association, doing business in or running cars over any of the railroads of this State, shall keep accounts and make reports in like manner as is provided for in the case of palace, drawing-room, and other passenger cars by the first section of this act.

Persons, etc., engaged in running freight cars, etc., to keep account, etc.

SEC. 3. The reports required to be made, by sections one and two of this act, shall be verified, in the case of corporations, by the oath of the president and secretary thereof, and in the case of copartnerships, associations, or persons, by the oath of their proper agents or accountants as the commissioner of railroads shall require.

Reports to be verified.

SEC. 4. The commissioner of railroads shall, on or before the first day of June of each year, make and file with the auditor general a computation of the amount of tax which will become due on the first day of July next succeeding, from each person, association, copartnership, or corporation liable to pay taxes under the provisions of section five of this act, which computation shall be based upon the report of such person, association, copartnership, or corporation, required to be made by the provisions of sections one

Commissioner to compute tax and file computation with auditor general.

Penalty for neglect or false report.

How penalty collected.

Tax to be paid to State treasurer.

State to have lien for taxes.

Failure to report construed as refusal.

Commissioner to report failure to auditor general.

Proceedings.

Penalty for false report, when accrued.

and two of this act, and any such person, association, copartnership, or corporation neglecting or refusing to make such report, or shall willfully make a false report, shall be liable to a penalty of one thousand dollars, and it shall be the duty of the auditor general and he is hereby required, in case such penalty shall be incurred as aforesaid, to forthwith issue his warrant for the collection of the same, in the same manner, and to levy and collect the same in all respects as is herein provided for the collection of taxes against such person, association, copartnership, or corporation, and the collection of said penalty shall in no wise absolve the person, association, copartnership, or corporation, from making the report or payment of the taxes as herein provided.

SEC. 5. Every corporation, association, copartnership, car loaning company, or person as specified in sections one and two of this act shall, on or before the first day of July in each year, pay to the State treasurer, upon the statement of the auditor general, an annual tax of two and one-half per cent upon their gross receipts as computed by the commissioner of railroads, and derived from passengers or from the loaning, renting, or hiring these cars to any railroad or other corporation, association, copartnership, or party, and such taxes shall be in lieu of all other taxes upon the cars used for the purposes mentioned in sections one and two of this act.

SEC. 6. The State shall have a lien upon all the property of each of the parties mentioned in sections one and two of this act, whether corporations or otherwise, for all the taxes herein imposed, and for interest thereon, and for penalty for delay in payment thereof, and for all dues which may accrue to the State from said parties, which lien of the State shall take precedence of demands, judgments, decrees, or other liens of whatever character.

SEC. 7. Failure to make a report as required, and within the time limited in sections one and two of this act, shall be construed as a refusal to make such report, on the part of the corporation, copartnership, association, or party so failing; and on the refusal of any corporation, copartnership, association, or party to make said report, it shall be the duty of the commissioner of railroads to make known such fact to the auditor general, and the proceedings shall be in all respects and with like effect, and in the manner prescribed by "an act to authorize the auditor general to assess by estimate specific taxes upon corporations which neglect or refuse to report as required by law, upon which specific taxes are computed, and to provide for the collection of the same," approved March twenty-ninth, eighteen hundred and seventy-two, and the acts supplementary or amendatory thereof, or extending the provisions thereof, except that if the auditor general has no knowledge of there being an office of such corporation or other party in this State, then the said auditor general may issue his warrant in the same manner, and with like effect, to the sheriff of any county through which any of the cars, used for the purposes mentioned in sections one and two of this act, may pass.

SEC. 8. Any corporation or other party subject to the specific tax imposed by this act, which shall willfully make a false report,

shall be liable to a penalty of one thousand dollars, which penalty shall be deemed to have accrued at the date of such false report, and to the payment of double the rate of taxation imposed by sections one and two hereof.

SEC. 9. If the taxes above imposed are not paid within the time prescribed, the auditor general may issue his warrant to the sheriff of any county in the State, commanding him to forthwith levy the same, together with ten per cent for his fees, by distress and sale of any of the property of the corporation or party neglecting or refusing to pay such tax, wherever the same may be found in this State, and to pay over the same, reserving his fees, to the State treasurer, within ten days after the same is collected.

*Auditor general
to issue warrant
to sheriff, etc.*

SEC. 10. The sheriff shall not give less than five nor more than ten days' public notice of the seizure of such property, and of the time and place of sale thereof, by advertisement to be posted up in three public places in the township, city, or village where such sale is to be made, and such sale shall be by public auction, in the township, city, or village where such property is situated. The sheriff shall send a copy of such notice by mail to the corporation or party whose property is to be sold, if he can ascertain the post-office address of such corporation or party.

*Notice of
seizure and sale
by sheriff.*

SEC. 11. At the time advertised, the sheriff shall proceed to offer such property for sale. If there be no bidders therefor, or if for other reasons he deem it inexpedient to proceed with such sale, said sheriff may adjourn such sale to such other time, not exceeding thirty days, as he shall determine, when he shall again proceed to offer such property for sale, and shall sell the same to the highest bidder. If the property so distrained cannot be sold, or if it be sold but for an amount insufficient to pay the tax and fees, the sheriff shall levy upon other property of such corporation or party, if any can be found within the county, and shall advertise and sell the same, as provided above, and so continue until the warrant is satisfied. If property sufficient cannot be found, the sheriff shall return a statement to that effect to the auditor general, who may for so much of the tax as is so returned as uncollected, issue another warrant, with like effect, to the sheriff of another county who shall proceed in the same manner as above prescribed.

*Proceedings
at sale.*

*When sufficient
property cannot
be found.*

SEC. 12. Act one hundred and seventy-eight, session laws of eighteen hundred and seventy-three, entitled "An act to provide for the taxation of persons, associations, and corporations doing business in this State, in running sleeping and palace cars over or upon the several railroads in this State, and party or parties owning, running, or being interested in any "special," or "fast," or "through," or "colored," or other freight line (not owned exclusively by railroad companies), or any car loaning company doing business in this State, or running cars over any of the railroads in this State," is hereby repealed, but such repeal shall not operate to invalidate the collection of any taxes heretofore accruing under the provisions of said act, and remaining due and unpaid.

Act repealed.

Approved June 5, 1883.

[No. 153.]

AN ACT for the regulation of freights on railroads in the State of Michigan.

Regulation of
freights at
points having
no competing
lines, etc.

SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any railroad company doing business in this State, operating the shortest competing line of railroad, to charge a greater amount of toll or compensation for the transportation of freight from any non-competing point on its line of railroad than it shall charge at the nearest railroad competing point on its line of road in opposite direction to that from which such freight is to be moved, when of the same class, in like quantity, and for the same destination in this State. It is also hereby further provided that whenever freight is taken from any point on the longer competing line or lines, that where the distance from such shipping point to the place of destination does not exceed the entire length of the shortest competing line, then the same rule shall apply as is provided in this section for the shortest competing line as to rates of freight.

Forfeitures for
violations.

SEC. 2. Any railroad company doing business in this State violating any of the provisions of this act shall forfeit to the State for each offense a sum not less than fifty dollars nor more than one hundred and fifty dollars, and shall be liable to the party so overcharged in the amount of such excessive charge and costs of suit.

Approved June 6, 1883.

[No. 154.]

AN ACT to provide for the commencement of actions of tort against non-residents, individuals, joint contractors, partnerships, and corporations carrying on business or owning property in this State.

Commencement
of actions of tort
against non-
residents by
attachment.

SECTION 1. *The People of the State of Michigan enact*, That actions of tort may be commenced in courts of record within this State, by writ of attachment against non-residents where the cause of action has arisen, or hereafter may arise in this State. Such writ shall be in the same form as in attachment suits on contract, and the proceedings shall be the same as in actions of contract commenced by attachment, except as is herein provided to the contrary.

Affidavit.

SEC. 2. An affidavit shall be annexed to said writ, fully describing the cause of action; also that the defendant is a non-resident; that the cause of action arose in this State, and that the defendant is carrying on business, or is the owner of property within the State, and no other or further affidavit shall be required.

Order to be
endorsed, etc.

SEC. 3. Before any property shall be attached on said writ, an order must be endorsed thereon by a circuit court commissioner of the county where the suit is commenced, or by any circuit or supreme judge prescribing the amount of property that may be attached, which order shall be substantially as follows: "Let the

property of the defendant in the within writ be attached to the amount of.....dollars." Such order shall be signed by the officer allowing the same. Such property may be released in the manner prescribed in the general law relating to attachment suits on contract. Release of property.

SEC. 4. The same proceedings shall be had in serving and executing such writ of attachment as is now had in attachment proceedings in assumpsit, and service upon defendant shall be in all respects as prescribed in chapter two hundred and one of the compiled laws of eighteen hundred and seventy-one, and the acts amendatory thereto. But if the defendant has a manager, agent, superintendent or other principal representative within the county where the suit is brought, there shall be served upon such manager, agent, superintendent, or other principal representative, the same papers that are now required to be served upon defendants in attachment suits in addition thereto. Proceedings in case of.

Approved June 6, 1883.

[No. 155.]

AN ACT to amend section thirty-nine of chapter one hundred and seventy of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand seven hundred and seventy-two, relative to evidence in divorce cases.

SECTION 1. *The People of the State of Michigan enact, That* section thirty-nine of chapter one hundred and seventy, of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand seven hundred and seventy-two, be and the same is hereby amended so as to read as follows: Section amended.

(4772). SEC. 39. No decree of divorce shall be made solely on the declarations, confessions, or admissions of the parties, but the court shall require other evidence of the facts alleged in the bill for that purpose, but either party may, if he or she elect, testify in relation to such facts: *Provided, however,* That the testimony of either party to the action shall be taken only in open court, and that such testimony shall not be received in support or in defense of a charge of adultery. Decree not to be made on confession. Parties may testify. Proviso.

Approved June 6, 1883.

[No. 156.]

AN ACT creating a bureau of labor and industrial statistics, and defining the powers and duties of the same.

SECTION 1. *The People of the State of Michigan enact, That* the governor is hereby authorized and empowered to appoint within sixty days after this act shall take effect, and every second year thereafter, in the month of February, by and with the advice and consent of the senate, and also within thirty days after the occur- Appointment of commissioner of labor.

Office. rency of any vacancy in the office, a suitable person, who shall be a
 Deputy. citizen of this State, as commissioner, who shall hold his office
 until his successor is appointed, and qualified, the title of which
 officer shall be commissioner of labor. Such commissioner shall
 keep his office at the capitol, in the city of Lansing, and shall,
 within thirty days after qualifying, and as often as a vacancy shall
 occur, appoint a deputy, whose term of office shall continue during
 the pleasure of such commissioner. The commissioner may
 Assistants. appoint such assistants, from time to time, as shall be necessary for
 the transaction of the business of his office. Said commissioner,
 with his deputy, and the secretary of State, who shall be *ex officio*
 Bureau of sta- member thereof, shall constitute a bureau of statistics of labor.
 tistics of labor.

Duties of bureau. SEC. 2. The duties of such bureau shall be to collect in the man-
 ner hereinafter provided, assort, systemize, print, and present in
 annual reports to the governor, on or before the first day of Feb-
 ruary, eighteen hundred and eighty-four, and annually thereafter,
 statistical details relating to all departments of labor in this State,
 including the penal institutions thereof, particularly concerning the
 hours of labor, the number of laborers and mechanics employed,
 the number of apprentices in each trade, with the nativity of such
 laborers, mechanics, and apprentices, wages earned, the savings
 from the same, the culture, moral and mental, with age, and sex,
 of laborers employed, the number and character of accidents, the
 sanitary condition of institutions where labor is employed, as well
 as the influence of the several kinds of labor, and the use of intox-
 icating liquors upon the health, and mental condition of the laborer,
 the restrictions, if any, which are put upon apprentices when inden-
 tured, the proportion of married laborers and mechanics, who live
 in rented houses with the average annual rental of same, the aver-
 age number of members in the families of married laborers and
 mechanics, the value of property owned by laborers and mechanics,
 together with the value of property owned by such laborers or
 mechanics (if foreign born), upon their arrival in this country,
 and the length of time they have resided here, the subjects of
 coöperation, strikes, or other labor difficulties, trades unions, and
 other labor organizations, and their effects upon labor and capital,
 with such other matter relating to the commercial, industrial, and
 sanitary condition of the laboring classes, and permanent prosper-
 ity of the respective industries of the State, as such bureau may
 be able to gather, accompanied by such recommendations relating
 thereto, as the bureau shall deem proper.

Powers of mem- SEC. 3. Such bureau, or any member thereof, shall have full
 bers of bureau power to examine witnesses on oath, compel the attendance of wit-
 in examination nesses, and the production of papers, while acting in any part of
 of witnesses, etc. this State, and witnesses may be summoned by such bureau, or any
 member thereof, by its process in the same manner, and paid the
 same fees as are allowed to witnesses attending in the circuit court
 of any county.

Compensation of SEC. 4. The compensation of such commissioner shall be two
 commissioner thousand dollars per annum, and that of his deputy fifteen hun-
 and deputy. dred dollars per annum, which compensation, together with all

necessary expenses, including the employment, and paying the expenses of such assistants as are provided for in section one of this act, also the expenses provided for in section three of this act, shall be audited and paid' in the same manner as the salaries and expenses of other State officers: *Provided*, The amount thereof, Proviso. exclusive of the compensation allowed to said commissioner, and his said deputy, shall not, in any one year, exceed the sum of five Farther proviso. thousand dollars: *And provided further*, That in addition to the above allowance for expenses, all printing, binding, blanks, or map work shall be done under any contract which the State now has, or shall have, for similar work, with any party or parties, and the expenses thereof shall be audited and paid for in the same manner as other State printing.

SEC. 5. Said bureau shall, on or before the fifteenth day of March Bureau to send blanks to county clerks. in each year, after this act shall take effect, make and transmit to the several county clerks, in this State, proper blanks, drawn and printed in convenient form to enable the several supervisors and assessors of this State to state and return such facts and information as said bureau shall determine are advisable, in relation to the subject matter in this act, in manner and form as prescribed in section six hereof. It shall be the duty of the several county clerks Clerks to distribute same. to distribute such blanks in sufficient quantities, to the several supervisors and assessors of his county, on or before the tenth day of April in each year.

SEC. 6. It shall be the duty of the several supervisors of the townships, and the supervisor or assessor of the wards of cities in this State, at the time of assessing the property thereof, to obtain the facts and information determined upon by said bureau, as provided in section five of this act, in accordance with the terms, conditions, and requirements of said blanks. And on or before the fifteenth day of July in each year, said supervisors and assessors shall return to the county clerks of their respective counties, such blanks, properly filled and duly certified to by such officer that the statements therein are true to the best of his knowledge, information, and belief. Such county clerks shall forthwith forward such returns to the commissioner of labor at Lansing, Michigan. Duties of supervisors, assessors, etc., in obtaining information, etc.

SEC. 7. Any person who shall willfully and intentionally testify falsely, before said bureau or before any member thereof, in regard to any proper subject of inquiry, shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the State prison for a period not exceeding five years. Returns to county clerk.

This act is ordered to take immediate effect.

Approved June 6, 1883.

[No. 157.]

AN ACT to protect the rights of laborers.

SECTION 1. *The People of the State of Michigan enact*, That any judgment hereafter obtained before a justice of the peace, for Issuing of execution. personal services performed by the plaintiff, shall not be stayed, but

execution may issue thereon immediately on rendition of judgment. In entering such judgment the justice shall recite upon the docket that the same was rendered for the personal work and labor of the plaintiff.

Approved June 6, 1883.

[No. 158.]

AN ACT to provide for the incorporation of base ball clubs or companies.

Incorporation of
base ball clubs
authorized.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than five, who shall by articles of agreement, in writing, associate for the purpose of maintaining and conducting a base ball club for the encouragement of athletic sports, and who shall comply with the provisions of this act, shall, with their associates, successors, and assigns, constitute a body corporate, in fact and in name, and as such shall be subject to the requirements and entitled to the privileges of chapter one hundred and thirty, of the compiled laws of eighteen hundred and seventy-one, entitled "general provisions relating to corporations."

Articles of
association.

SEC. 2. The articles of every such association shall be signed by the persons so associating in the first instance, and acknowledged before some person authorized by law to take acknowledgments of deeds, and shall be recorded in the office of the clerk of the county in which the principal business office of such corporation is to be located, and a copy thereof shall be filed in the office of the secretary of State. Said articles shall state the name by which the corporation shall be known, the object for which such corporation shall be formed, the amount of the capital stock, and the number of shares into which it shall be divided, the name of the stockholders, their residences, and the number of shares held by each, and the period the corporation shall exist, not exceeding thirty years.

Capital stock.

SEC. 3. The amount of capital stock in every such corporation shall in no case be less than two thousand dollars or more than ten thousand dollars, and said capital stock may be increased or diminished from time to time as may be directed by the stockholders, subject to the foregoing limitations, but when the same is so increased or diminished, the amendment of the articles of association shall be signed, acknowledged, and recorded, as required by section two of this act. The capital stock of such corporation shall be divided into shares of not less than twenty-five nor more than one hundred dollars each.

Shares.

Officers.

SEC. 4. The officers of corporations formed under this act shall consist of a president, secretary, treasurer, and a board of not less than five or more than ten directors, of which the president shall be one. The same person may hold the office of secretary and treasurer. The directors shall be elected by the stockholders annually, and all the other officers shall be appointed by the directors, to hold during their pleasure, and the directors shall have the general management of the affairs of the corporation.

SEC. 5. Every such corporation shall have power to lease, and to hold and acquire in fee simple, and to sell, mortgage, and convey such real estate as may be necessary for carrying on the business of the corporation, but no such corporation shall hold real estate to exceed ten thousand dollars in value, and every such corporation shall have power to employ base ball players, and to give exhibitions of the game, and hold contests and tournaments with other base ball clubs and players: *Provided, however,* That no pool selling or other betting shall be permitted on the grounds of the corporation, during any exhibition, tournament, or game, held under the auspices of the corporation. Power of corporation.

SEC. 6. The stockholders of all corporations, organized under this act, shall be individually liable for all labor performed for the corporation, which said liability may be enforced by action in assumpsit against any or all of the stockholders, and the corporation jointly, but no levy shall be made upon the property of stockholders under an execution issued upon a judgment in any such action until the property of the corporation shall have been exhausted, and the clerk of the court, or the justice of the peace, issuing such execution shall endorse thereon a direction to the officer to that effect. Any stockholder who may be compelled to pay any such judgment, shall be entitled to contribution from the other solvent stockholders, in proportion to the number of shares held by each. Individual liability of stockholders, etc.

This act is ordered to take immediate effect.

Approved June 6, 1883.

[No. 159.]

AN ACT to provide for the incorporation of local assemblies of the order of knights of labor of North America, and of district assemblies thereof in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That any local assembly of the order of the knights of labor of North America, duly organized within this State under and pursuant to the provisions of the constitution and laws of the general assembly of the knights of labor of North America, may become a body corporate and politic in the manner following, viz.: Incorporation of local assemblies.

First, At a regular meeting of such local assembly a resolution shall be put to a vote of the members thereof present, expressing the desire and determination of such local assembly to be incorporated, and directing the officers thereof to perfect such incorporation, and if such resolution be adopted by a two-thirds vote of all members in good standing, it shall be declared adopted, otherwise lost; Resolution for, to be adopted by two-thirds vote.

Second, On such resolution being passed, the master workman and recording secretary of the assembly shall prepare articles of association under their hands and the seal of the assembly, setting forth the number of persons then in good standing in the assembly By whom articles of association to be prepared and what to contain.

desiring incorporation, the name by which the assembly is known, and its number, the date of its organization, a copy of the resolution mentioned in the first subdivision of this section, the corporate name by which the assembly shall be known in the law, the general object and purpose of the association, which shall in no way conflict or be inconsistent with the object and purpose of the general assembly of the order of knights of labor of North America as stated in its constitution, nor in conflict or inconsistent with any law of the United States or of this State, and the period for which it is incorporated, not exceeding thirty years;

Articles to be
filed and
recorded.

Third, A copy of such articles of association shall be filed with the clerk of the county in which such corporation shall be formed, and, together with the affidavit hereinafter named, shall be recorded by the county clerk in a book to be kept by him for that purpose;

Affidavit to
be attached
to articles.

Fourth, The master workman and recording secretary executing such articles of association shall make and annex thereto, before filing, an affidavit stating that they are respectively members of and occupy the official positions above named in said local assembly, that the resolution, a copy of which is set out in the articles of association, was duly adopted at a regular meeting of the assembly, and by a two-thirds vote of all members in good standing, and that all the statements in said articles of association are true to the best of their and each of their knowledge and belief, and that said local assembly is organized and acting under the constitution of the general assembly of the order of the knights of labor of North America.

When a body
corporate, etc.

SEC. 2. When the foregoing requirements are complied with, the local assembly shall be a body corporate and politic by the name expressed in such articles of association, and by that name shall be a person in law, capable of suing and being sued, and a copy of said articles of association and affidavit duly certified by the clerk in whose custody the same may be, under the seal of the proper county, shall be *prima facie* evidence in all the courts of this State of the existence and incorporation of said local assembly.

Copy of articles,
etc., may be
filed with secre-
tary of State.

SEC. 3. A copy of such articles of association, with an affidavit attached, as provided in section one of this act, duly certified by the county clerk of the proper county, may be filed with the secretary of State, copies of which, duly certified, shall in all the courts of this State be *prima facie* evidence of the existence and incorporation of said local assembly.

How district
assemblies may
become incorpo-
rated.

SEC. 4. Any district assembly of the order of the knights of labor of North America, organized and acting under and pursuant to the constitution and laws of the general assembly of the order, may become incorporated by adopting a like resolution as provided in section one of this act, executing articles of association under the hands of its district master workman and district recording secretary and the seal of the district assembly, containing like statements as those required in articles of association for the incorporation of local assemblies, with a like affidavit annexed made by the above named officers, and filing the same with the clerk of the county where such district assembly is incorporated, which articles

of association and affidavit shall be recorded by the county clerk. A copy thereof, duly certified by the clerk of such county, shall have the same force and effect as evidence as is provided in section two of this act. A certified copy of such articles may be filed with the secretary of State in the same manner, and shall have the same force and effect as evidence as is provided in said section.

SEC. 5. Every corporation formed pursuant to the provisions of this act may take and hold personal and real property, so far as the same may be necessary or convenient for the purposes of the organization, not exceeding fifty thousand dollars in amount, and may convey, incumber, and deal with the same as it may from time to time determine by a majority vote of all members in good standing: *Provided*, That no property held and owned by such corporation shall be sold or incumbered except at a regular or special meeting of the assembly, five days' written notice of which shall have been given to every member in good standing, and at the time being within the jurisdiction, which notice shall briefly state the disposition intended to be made of such property, describing it, and shall be signed by the district recording secretary or recording secretary, as the case may be, and with the seal of the assembly attached.

Corporations may take and hold property, etc.

Provided.

SEC. 6. The management, direction, and control of the property and business of such corporation shall be vested in such of its officers and members as a majority of its members present and acting thereon at any regular meeting of the assembly shall from time to time determine.

Management, etc., of property and business.

This act shall take immediate effect.

Approved June 6, 1883.

[No. 160.]

AN ACT to amend act number one hundred and seventy-eight, of the session laws of eighteen hundred and eighty-one, approved May thirty-first, eighteen hundred and eighty-one, entitled "An act to authorize suits to be brought against insurance companies organized under the laws of this State, in the circuit court of any county of this State, in which the plaintiff shall reside, and said company issue policies or take risks."

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and seventy-eight of the session laws of eighteen hundred and eighty-one, approved May thirty-first, eighteen hundred and eighty-one, entitled "An act to authorize suits to be brought against insurance companies organized under the laws of this State in the circuit court of any county in this State in which the plaintiff shall reside, and such company issue policies or take risks," be amended so as to read as follows:

Act amended.

SECTION 1. That suits may be commenced, tried, and disposed of against insurance companies, or coöperative and mutual benefit associations, having for their object insurance against accidents,

Where suits against insurance companies may be brought.

organized under the laws of this State, by any member of said company or association, or other person, in the courts of any county in this State in which the plaintiff resides, and such company issues policies, certificates of membership, or take risks, in the same manner and with the like effect as if the suits were brought in the county where such company or association has its principal office.

How suits may
be commenced.

SEC. 2. Such suits may be commenced by declaration or by writ, which may be served upon any agent of such company or association, residing or found within the county by the sheriff of the county where the suit is brought, or by the sheriff of any county where an agent may be found, or by the sheriff of the county where the principal office of such company or association is located.

Approved June 6, 1883.

[No. 161.]

AN ACT to amend sections eleven and eighteen, of an act entitled "An act further to preserve the purity of elections, and guard against the abuses of the elective franchises," approved February fourteen, eighteen hundred and fifty-nine, being sections one hundred and sixty-nine and one hundred and seventy-six, of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and forty-two, of the public acts of eighteen hundred and eighty-one.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections eleven and eighteen, of an act entitled "An act further to preserve the purity of elections, and guard against the abuses of the elective franchises," approved February fourteen, eighteen hundred and fifty-nine, being sections one hundred and sixty-nine and one hundred and seventy-six, of the compiled laws of eighteen hundred and seventy-one, as amended by act number one hundred and forty-two, of the public acts of eighteen hundred and eighty-one, be and the same are hereby amended so as to read as follows:

Registration,
how made.

(169.) SEC. 11. After the year one thousand eight hundred and fifty-nine, it shall be the right of any such qualified elector residing in the township, and entitled to vote at the next election therein, and whose name has not been registered, on any day except Sunday, the days of the session of the board of registration, and the days intervening between them and the next approaching election, to apply to the supervisor, township treasurer, or township clerk, in person, for the registration of his name, and if, upon such examination, as is required by the next following section of this act, the supervisor, treasurer, or clerk shall be satisfied that such applicant is a resident of the township, and otherwise qualified and entitled to vote in such township at the next election to be held therein, the name of such applicant shall be written, either by himself or by the supervisor, treasurer, or clerk, upon a separate paper to be kept by the supervisor, treasurer, or clerk, his residence described, and the date of the entry noted, as required in the two last preceding sections, which paper shall be laid before the board of

registration of each township, at its next meeting for examination and review, and the names of such persons appearing thereon as the board shall be of opinion are qualified electors at the then next election, and entitled to vote thereat, may, by some member of the board, and under their direction, be entered in a proper register, in the manner above set forth, and every applicant to the supervisor, treasurer, or clerk, so causing his name to be entered upon such separate paper, knowing or having good reason to believe himself not to be such resident and qualified to vote in such township at the then next election, shall, upon conviction thereof, be punished by fine and imprisonment, as provided in the thirteenth section of this act.

(176.) SEC. 18. At every session of the board of registration of any township or ward, after the year one thousand eight hundred and fifty nine, it shall be their duty to review the list of names in their register, and if it shall have come to their knowledge that any person, whose name has been registered, has died, or has removed therefrom, and ceased to reside therein, they shall place the letter "D" against the name of the deceased person, and the letter "R" against the name of the person who has so removed, with the date of the entry, and the initials of the member making it, so as to show by whom and when made, and thereafter such name shall be considered and treated as no longer on the list, and shall be omitted in the copies above provided for. But if it shall happen that such entry was erroneously made, and such person shall thereafter appear at any election and claim the right to vote thereat, his name may, on his application, be again registered upon the following terms: He shall, upon his oath or affirmation, which any member of the board of inspectors or the board of registration may administer, declare that he has not removed from, but is still a resident of the township or ward, and is otherwise a qualified elector and entitled to vote; and on making such oath or affirmation, his name may be registered in the manner above described, either by the board of registration or the board of inspectors; and if such applicant shall swear or affirm falsely, he shall be subject to the pains and penalties of perjury. But in case such entry shall be made falsely, maliciously, and without credible information, the member of the board making it shall be deemed guilty of a misdemeanor, and punished as such, and the party aggrieved shall be entitled to recover of him in an action on the case, treble damages for the injury, and treble costs of suit in any court having jurisdiction of the cause, and the record of the defendant's conviction of the criminal offense, duly authenticated, shall be *prima facie* evidence of his liability.

Board to review
and correct lists.

Provisions for a
subsequent
registration.

Oath to be taken
by applicant.

False swearing,
perjury.

Penalty for
false entry.

Approved June 6, 1883.

[No. 162.]

AN ACT to prevent malicious annoyance by writing.

SECTION 1. *The People of the State of Michigan enact, That every person who shall knowingly send or deliver, or shall make,*

Penalty for
malicious annoy-
ance by writ-
ing, etc.

and for the purpose of being delivered or sent, shall part with the possession of any letter, postal card, or writing, containing any obscene language, with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark, or other designation, with the intent thereby to cause annoyance to any person, or with a view or intent to extort or gain any money or property of any description belonging to another, shall, upon conviction, be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail or State house of correction not exceeding three months, or a fine not exceeding one hundred dollars, or both, at the discretion of the court.

Approved June 6, 1883.

[No. 163.]

AN ACT making appropriation for necessary improvements at the State house of correction, at Ionia.

Appropriation
made.

SECTION 1. *The People of the State of Michigan enact*, That the sum of seven thousand two hundred dollars, if so much shall be necessary, be appropriated for necessary improvements at the State house of correction at Ionia, as follows: For one steam boiler, repairing boilers, purchasing hose, supplying water pipe for discharge of water from roofs of buildings, repairing brick work, etc., three thousand dollars; for one steam water pump, five hundred dollars; for washing machines, six hundred dollars; ventilating shops, two hundred dollars; table furniture, two hundred dollars; general repairs, two thousand dollars; to provide more efficient heating apparatus for the dry kilns, four hundred dollars; for extra room for boiler, three hundred dollars.

Apportionment
in State tax.

SEC. 2. The amount appropriated by section one of this act, shall be apportioned by the auditor general in the State tax, for the year eighteen hundred and eighty-three, and when collected shall be placed to the credit of the general fund.

Ordered to take immediate effect.

Approved June 6, 1883.

[No. 164.]

AN ACT to provide for an appropriation for the preparation, publication, and distribution of the proceedings of the annual meetings of the Michigan superintendents of the poor, for the years eighteen hundred and eighty-three and eighty-four.

Appropriation
made.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated from the general fund the sum of one hundred and fifty dollars, for each of the years eighteen hundred and eighty-three and eighteen hundred and eighty-four, to be

expended for the preparation, publication, and distribution of the proceedings of the annual meetings of the Michigan superintendents of the poor, for each of said years.

SEC. 2. Said moneys shall be expended under the direction of the secretary of the State board of charities, who shall report to the governor on or before the first day of July in each of said years, giving an itemized account of the manner of such expenditures, and the auditor general shall issue his warrant for the payment of said moneys, on presentation to him of the order of the president of the State board of charities, countersigned by the secretary thereof.

Ordered to take immediate effect.

Approved June 6, 1883.

[No. 165.]

AN ACT to authorize the quartermaster general to deposit arms and accoutrements at the agricultural college.

SECTION 1. *The People of the State of Michigan enact*, That the quartermaster general be authorized, with the advice and consent of the military board, to deposit with the State board of agriculture, at the agricultural college, arms and accoutrements for the use of said college.

Ordered to take immediate effect.

Approved June 6, 1883.

[No. 166.]

AN ACT to amend section twenty-seven, of chapter one, of act number two hundred and forty-three, of the laws of eighteen hundred and eighty-one, being an act entitled "An act to revise and consolidate the laws relative to the establishment, opening, improvement, and maintenance of highways and private roads, and the building, repairing, and preservation of bridges within this State," approved June eighth, eighteen hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-seven, of chapter one, of act number two hundred and forty-three, of the laws of eighteen hundred and eighty-one, being an act entitled "An act to revise and consolidate the laws relative to the establishment, opening, improvement, and maintenance of highways and private roads, and the building, repairing, and preservation of bridges within this State," approved June eighth, eighteen hundred and eighty-one, be and the same is hereby amended so as to read as follows:

SEC. 27. In laying out any highway, under the provisions of

Acquiring right of way across right of way of railroad company.

Railroad company to maintain highway across track.

Upon whom notice requiring opening, etc., served.

Penalty for failure to comply with notice.

this act, where the same crosses any railroad, the same proceedings shall be had in relation to acquiring the right of way across such railroad company's right of way, as in other cases; and such railroad company shall be entitled to receive, as its damages for such right of way, the actual value of the land taken for such crossing, and where any highway may have been, or shall hereafter be laid out and established across any railroad, the company operating such railroad, shall, at its own expense, open, construct, and maintain such crossing in a safe condition for the passage of teams, by making suitable approaches to and across its right of way, and track, and such cattle guards, fences, and other protections suitable and sufficient to prevent cattle and other animals from getting on such railroad. The commissioner may serve a written notice on any person in charge of the ticket, or freight office (of said company) nearest to such crossing, requiring such opening and construction (of such crossing, approaches, cattle guards, fences, and other protections), within thirty days from and after the service of such notice, and in default of complying with the requirements of such notice, such company shall be liable to a penalty of ten dollars per day for each and every day thereafter of its default, and shall be liable for all damages that may result to any person, or property, in consequence of its neglect to comply with the requirements of this section.

Approved June 6, 1883.

[No. 167.]

AN ACT to promote public health.

Practice of medicine and surgery regulated, etc.

Qualifications to practice.

Proviso.

SECTION 1. *The People of the State of Michigan enact*, That from and after this act shall take effect, it shall not be lawful for any person to practice medicine or surgery, or any branch thereof (except dentistry), in this State without having the qualifications required in the provisions of this act, and without having first registered in the office of the county clerk as provided in this act.

SEC. 2. The necessary qualifications to practice medicine in this State shall be:

First, That every person who shall have actually practiced medicine continuously for at least five years in this State, and who is practicing when this act shall take effect, shall be deemed qualified to practice medicine in this State, after having registered in the office of the county clerk as provided by this act;

Second, Every graduate of any legally authorized medical college in this State or in any one of the United States, or in any other country, shall be deemed qualified to practice medicine and surgery in all its departments, after having registered as provided in this act: *Provided*, That the provisions of this act shall not be construed so as to prohibit any student or under-graduate from practicing with and under the instruction of any person legally qualified to practice medicine and surgery under and by the pro-

visions of this act: *Provided*, That every person qualified to Idem. practice medicine and surgery under the provisions of this act, shall, within three months after this act shall take effect, file with the county clerk of the county wherein he has been engaged in practice, or in which he intends to practice, a statement sworn to before any officer authorized to administer oaths in said county, setting forth, first, if he is actually engaged in practice in said county, the length of time he has been engaged in such continuous practice, and if a graduate of any medical college, the name of the same and where located, when he graduated, and the length of time he attended the same, also the school of medicine to which he belongs. And if he is a student or under-graduate, the length of time he has been engaged in the study of medicine, and where, and if he has attended a medical college the name of the same, and where located, and the length of time so attended and when, also the name and residence of the physician under whose instruction he is practicing or intends to practice. It shall be the duty of the county clerk of each county in this State to record in a book to be provided by the county, the affidavit (or sworn statement) of every physician practicing in said county. For recording each statement the county clerk shall receive fifty cents, to be paid by the person filing the same.

SEC. 3. It shall be the duty of the supervisor, at the time of making the annual assessment in each year, to make out a list of all the physicians and each student practicing under the instruction of a preceptor residing within his township, village, ward, or city, with the name, age, sex, and color of each and the length of time each has been engaged in practice, and if a graduate of a regularly established and reputable college, the name of the college, and the date of graduation. Such list shall be returned by the supervisor to the township, village, or city clerk, and by the clerk recorded in the book in which are kept the records of the local board of health. Supervisor to make out list of physicians, students, etc.

SEC. 4. No person who practices medicine, surgery, or midwifery, in any of their branches (except dentistry), shall be able, in any of the courts of this State, to collect pay for professional services rendered subsequent to the time that this act shall take effect, unless he was, at the time such professional services were rendered, duly qualified and registered as a medical practitioner according to the several provisions of this act. No person shall collect by law for services rendered unless duly qualified, etc.

SEC. 5. The supervisor, township, village or city clerk is hereby authorized to administer the oaths required by this act. Oaths.

SEC. 6. Whoever advertises or holds himself out to the public as authorized to practice medicine or surgery in this State, when in fact he is not so authorized under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine of not less than five dollars nor more than fifty dollars for each offense. Penalty for practicing, etc., unless authorized.

SEC. 7. It shall be the duty of the supervisor and health officer of the local board of health in each township, village, ward, or city, to enforce this act. Enforcement of act.

Approved June 6, 1883.

[No. 168.]

AN ACT to amend section forty-two, of chapter one hundred and seventy-eight, of the compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand two hundred and ninety, relative to justices' courts.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section forty-two, of chapter one hundred and seventy-eight, of the compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand two hundred and ninety, relative to justices' courts, be and the same is hereby amended so as to read as follows:

Summons of per-
sons, etc., as
garnishee in
attachment.

(5290.) SEC. 42. That any person or corporation indebted to the defendant in any attachment suit, or who has any property or effects belonging to said defendant, may be summoned as a garnishee of such defendant in such attachment proceedings. The proceedings against the garnishee shall be conducted in the manner prescribed in chapter two hundred and two of the compiled laws of eighteen hundred and seventy-one, and the amendments thereto, now or hereafter passed. Such garnishee proceedings may be commenced simultaneously with the issuing of the writ of attachment, or while such attachment suit is pending, and shall be deemed auxiliary to the proceedings in attachment, but shall be entered separately upon the justice's docket, the same as in other garnishee cases. If the disclosure shows that the garnishee is indebted to the defendant in attachment, or that such garnishee has any money, property, credits, or effects in his or its hands, or under his or its control, the plaintiff in attachment shall be entitled to judgment in such attachment proceedings the same as in the case of property attached, and shall also be entitled to judgment against the garnishee as in other cases.

Proceedings
against gar-
nishee.

When com-
menced.

Judgment.

. Approved June 6, 1883.

[No. 169.]

AN ACT to amend section one, chapter one hundred and fifty-three, of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand three hundred and nine, relative to title to real property by descent.

SECTION 1. *The People of the State of Michigan enact*, That section one, of chapter one hundred and fifty-three, of the compiled laws of eighteen hundred and seventy-one, being compiler's section four thousand three hundred and nine, relative to title to real property by descent, be amended so as to read as follows:

(4309.) SECTION 1. When any person shall die seized of any lands, tenements, or hereditaments, or of any right thereto, or entitled to any interest therein, in fee simple, or for the life of another, not having lawfully devised the same, they shall descend, subject to his debts, in manner following:

How land, etc.,
to descend.

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First, In equal shares to his children, and to the issue of any *Idem.* deceased child by right of representation; and if there be no child of the intestate living at his death, his estate shall descend to all his other lineal descendants; and if all the said descendants are in the same degree of kindred to the intestate, they shall share the estate equally, otherwise they shall take according to the right of representation;

Second, If he shall leave no issue his estate shall descend to his widow, during her natural lifetime, and after her decease to his father and mother in equal shares, and if there be no mother, then to the father alone, and if he shall leave no issue or widow, his estate shall descend to his father and mother in equal shares, and if there be no mother then to the father alone;

Third, If he shall leave no issue, nor widow, nor father, one-half of his estate shall descend to his mother, and the remainder in equal shares to his brothers and sisters, and to the children of any deceased brother or sister, by right of representation;

Fourth, If the intestate shall leave no issue, nor widow, nor father, and no brother nor sister living at his death, his estate shall descend to his mother, to the exclusion of the issue, if any, of deceased brothers or sisters;

Fifth, If the intestate shall have no issue, nor widow, and no father, mother, brother, nor sister, his estate shall descend to his next of kin in equal degree, excepting that when there are two or more collateral kindred in equal degrees, but claiming through different ancestors, those who claim through the nearest ancestor shall be preferred to those claiming through an ancestor more remote: *Provided, however,*

Sixth, If any person shall die leaving several children, or leaving *Proviso.* one child and the issue of one or more other children, and any such surviving child shall die under age, and not having been married, all the estate that came to the deceased child by inheritance from such deceased parent shall descend in equal shares to the other children of the same parent, and to the issue of any such other children who shall have died, by right of representation;

Seventh, If at the death of such child, who shall die under age and not having been married, all the other children of his said parent shall also be dead, and any of them shall have left issue, the estate that came to said child by inheritance from his said parent shall descend to all the issue of other children of the same parent; and if all the said issue are in the same degree of kindred to said child, they shall share the said estate equally, otherwise they shall take according to the right of representation;

Eighth, If the intestate shall leave a widow and no kindred, his estate shall descend to such widow;

Ninth, If the intestate shall leave no widow nor kindred, his estate shall escheat to the people of this State for the use of the primary school fund.

Approved June 6, 1883.

[No. 170.]

AN ACT to provide for the construction of fire escapes from hotels, boarding and lodging houses, also to afford the necessary escape from fire in business places, and in buildings used for public and private assemblages.

Owners, etc., of
hotels, etc.,
to provide
fire escapes.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the owner, proprietor, lessee, or keeper of any hotel, or public inn, more than two stories in height, to provide suitable ladders, or other safe fire escapes, from each and every story above the ground floor of such hotel or public inn, such ladders or fire escapes to be always accessible from each floor above the second story and each room thereon of such building.

Owners, etc., of
factories, etc.,
to provide fire
escapes.

SEC. 2. It shall be the duty of the owner, proprietor, or lessee of any building, factory, mill, warehouse, or workshop, more than two stories in height, where male or female help is employed above the second story in such building, to provide suitable ladders, or such other fire escapes as may be deemed necessary, for the escape of such help or other persons occupying such building, in cases of fire, as provided in section four of this act.

Owners, etc., of
opera houses,
etc., to provide
fire escapes.

SEC. 3. It shall be the duty of every owner, proprietor, lessee, or manager of any opera-house, theater, public hall, place of amusement or entertainment, or any place used for public or private assemblages, to provide all necessary and accessible fire escapes for the safety of the patrons and occupants of such places, in accordance with the provisions of section four of this act.

Duties of board
of building
inspectors in
reference to.

SEC. 4. It shall be the duty of the board of building inspectors, created by act number two hundred and twenty-six, of the public acts of eighteen hundred and seventy-nine, entitled "An act to provide for the safety of persons attending public assemblies," as amended by act number forty-one, of the public acts of eighteen hundred and eighty-one, to examine from time to time, at least once in each year, within their respective jurisdictions, any and all such places mentioned in the preceding sections of this act, and to submit without delay to their respective township or village boards, or common council, as the case may be, such recommendations, in addition to the provisions and requirements of this act, as they may deem proper and necessary for the protection against fire, and the escape therefrom, in the several places named in the preceding sections of this act.

Duties of town-
ship boards, etc.

SEC. 5. It shall be the duty of the township or village boards, or common council, as the case may be, on receiving such report, to direct all such needful alterations and additions to such places as recommended for the safety and escape from fire to be made within such reasonable time as they may determine, by causing a written notice to be served on the owner, proprietor, manager, lessee, or keeper of such several places, stating therein fully the alterations and additions to be made, and the time for their completion. The expenses incurred in providing such ladders or fire escapes, or in making such needful alterations or additions, shall be paid by the owner of such places.

SEC. 6. If any such owner, proprietor, manager, lessee, or keeper of any such places named in this act shall neglect or refuse to comply with any such requirements within the time and in the manner specified in such notice, he or they shall be liable to a fine of not less than twenty-five dollars, or more than one hundred dollars, for each and every month that he or they shall fail to comply with the provisions of this act, and all fines accruing, under and by virtue of this act, shall be collected in such manner as is now provided by law.

Penalty for neglect or refusal of owners, etc.

Approved June 6, 1883.

[No. 171.]

AN ACT to amend sections three and four, of act number three hundred and seventy-eight, of the session laws of eighteen hundred and seventy-nine, entitled "An act to provide for the collection of State and county taxes in the city of Detroit, repealing acts number two hundred and forty-one, of the session laws of eighteen hundred and sixty-three, and number eighty-eight, of the session laws of eighteen hundred and sixty-five, amendatory thereto," approved May twenty-second, eighteen hundred and seventy-nine.

SECTION 1. *The People of the State of Michigan enact, That* sections three and four, of act number three hundred and seventy-eight, of the session laws of eighteen hundred and seventy-nine, entitled "An act to provide for the collection of State and county taxes in the city of Detroit, repealing acts number two hundred and forty-one, of the session laws of eighteen hundred and sixty-three, and number eighty-eight, of the session laws of eighteen hundred and sixty-five, amendatory thereto," approved May twenty-second, eighteen hundred and seventy-nine, be and the same are hereby amended so as to read as follows:

Sections amended.

SEC. 3. The county treasurer shall appoint such collectors as he may deem necessary to collect for him and in his name, the taxes levied upon personal property which remain unpaid on the sixteenth day of December in each year; such collectors shall give bonds to the county treasurer in such amount as he may require, and shall be conditioned as township treasurer's bonds are now required to be. Said bonds and the sureties thereto shall be approved by said treasurer, and the said collectors and their respective sureties shall be subject to be proceeded against for the non-performance of their duties, as said township treasurer may be.

County treasurer to appoint collectors.

Collectors to give bond.

Approval of.

SEC. 4. The county treasurer shall retain the original tax rolls in his office, as prepared by the city assessor, and shall prepare a transcript of that part of said roll levied upon personal property and unpaid, for the use of the collectors appointed by said treasurer, to be used by them in making collections, and to which transcript shall be annexed certified copies of the original warrants. The said treasurer shall add four per cent to all taxes collected by him or

Transcript of part of tax roll to be prepared for collectors, etc.

Sums to be added by treasurer.

Treasurer
responsible.
Expenses of
collectors, etc.

his collectors, between the sixteenth day of December and the first day of March following, in each year, and shall be entitled to two per cent on all taxes returned as delinquent. The said treasurer shall be responsible for the acts of his collectors. The expenses and services of said collectors shall be paid by said treasurer, and shall not be a charge to the city or county.

This act is ordered to take immediate effect.

Approved June 6, 1883.

[No. 172.]

AN ACT to provide for the punishment of assaults upon females in certain cases.

Penalty for
assault in
certain cases.

SECTION 1. *The People of the State of Michigan enact*, That if any person shall undertake to medically treat any female person, and while so treating her, shall represent to such female that it is, or will be, necessary or beneficial to her health that she have sexual intercourse with a man, and shall thereby induce her to have carnal sexual intercourse with any man, or if any man, not being the husband of such female, shall have sexual intercourse with her by reason of such representation, the person or persons so offending shall, on conviction thereof, be punished by imprisonment in the State prison for any term of years not exceeding ten years.

Approved June 6, 1883.

[No. 173.]

AN ACT to provide for the publication and distribution of the reports of the secretary of the State board of agriculture, and the reports of the secretary of the State horticultural society, and to repeal all existing laws providing for the publication and distribution of said reports.

Secretary of
State board of
agriculture to
report to legisla-
ture and gov-
ernor, etc.

SECTION 1. *The People of the State of Michigan enact*, That the secretary of the State board of agriculture shall report to the legislature at every regular session thereof, and to the governor on the first Wednesday of January of each year when the legislature is not in session, which report shall embrace all statements, accounts, statistics, prize essays, and other information relative to agriculture in general, proceedings of the State board of agriculture, of the State agricultural college and farm, of the State agricultural society, and of the county and district agricultural societies, to be approved by the board; that eight thousand copies of this report shall be printed and bound annually, prior to the first day of June, and shall be immediately placed at the disposal of the State board of agriculture; four thousand copies to be distributed by the secretary of said State board of agriculture as the board shall direct, and the remaining four thousand copies to be distrib-

Publication of
report.

Distribution of.

uted prior to the first day of September after publication by the secretary of the board, to the secretary of the State agricultural society, to the secretary of the State grange, and to the secretaries of the various district and county societies, as equally as may be, according to the population of said counties, to be by said secretaries distributed among the various viewing committees of county and district fairs, giving one volume of said report to each of said committees as shall be present and discharge the duties of the office on the day of the county and district fairs; and in addition to the foregoing there shall be published a number of copies of said report equal to the number of reports bound as joint documents, which shall be disposed of in the same manner as the joint documents; also a sufficient number of copies to supply crop correspondents with one copy each, which shall be distributed by the secretary of State.

SEC. 2. The secretary of the State horticultural society shall make a report annually, similar in character to that of the secretary of the State board of agriculture, but covering the subject of horticulture; eight thousand four hundred copies of said report to be printed and bound in like manner as the report of the secretary of the State board of agriculture. Six thousand copies shall be placed at the disposal of the State horticultural society, which shall be distributed in like manner as the report of the secretary of the State board of agriculture, giving preference to horticultural and pomological societies and fruit growers, wherever such may exist within the State, and the remaining copies shall be disposed of in the same manner as the joint documents; and in addition to the foregoing there shall be published a sufficient number of copies of said report to supply crop correspondents with one copy each, which shall be distributed by the secretary of State.

Secretary of
State horticult-
ural society to
make report, etc.
Publication and
distribution of.

SEC. 3. That act number fifty-two, of the session laws of eighteen hundred and seventy-nine, entitled "An act to amend sections eight and nine of act number one hundred and seventy, of the session laws of eighteen hundred and seventy-seven, entitled 'An act to provide for the publication and distribution of the laws and documents of this State, and to repeal compiler's sections four, five, six, seven, eight, nine, ten, fifteen, sixteen, seventeen, eighteen, nineteen, three hundred and sixty-eight, three hundred and sixty-nine, three hundred and seventy, three hundred and seventy-one, three hundred and seventy-two, and three hundred and seventy-three, of the compiled laws of eighteen hundred and seventy-one,' and the act entitled 'An act to provide for the publication and distribution of the laws and documents of this State,' approved April twenty-five, eighteen hundred and seventy-three," and act number two hundred and twenty-one, of the session laws of eighteen hundred and eighty-one, entitled "An act to amend section nine of act number fifty-two, of the session laws of eighteen hundred and seventy-nine, entitled 'An act to amend sections eight and nine, of act number one hundred and seventy, of the session laws of eighteen hundred and seventy-seven, entitled 'An act to provide for the publication and distribution of the laws and documents of

Acts, etc.,
repealed.

this State, and to repeal compiler's sections four, five, six, seven, eight, nine, ten, fifteen, sixteen, seventeen, eighteen, nineteen, three hundred and sixty-eight, three hundred and sixty-nine, three hundred and seventy, three hundred and seventy-one, three hundred and seventy-two, and three hundred and seventy-three, of the compiled laws of eighteen hundred and seventy-one, and the act entitled, An act to provide for the publication and distribution of the laws and documents of this State,' approved April twenty-fifth, eighteen hundred and seventy-three," and all other acts or parts of acts inconsistent with the provisions of this act, be, and they are hereby repealed.

Approved June 6, 1883.

[No. 174.]

AN ACT to amend sections seven, thirty, thirty-six, and forty-one, of article two, and sections three and five, of article three, and section fourteen of article four, and to add two new sections to article two, to stand as sections forty-five and forty-six, and a new section to article five, to stand as section twenty-two of an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroads, and other corporations owning or operating any railroad in this State," approved May one, eighteen hundred and seventy-three, being act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections seven, thirty, thirty-six, and forty-one, of article two, and sections three and five, of article three, and section fourteen of article four be amended so as to read as follows: And add two new sections to article two, to stand as sections forty-five and forty-six, and a new section to article five, to stand as section twenty-two of an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroads and other corporations owning or operating any railroad in this State," approved May first, one thousand eight hundred and seventy-three, being act number one hundred and ninety-eight, session laws of one thousand eight hundred and seventy-three.

ARTICLE II.

Map of
route, etc.

SECTION 7. Every such company proceeding to construct a part of its road into or through any county named in its articles of association, or which shall have been so constructed, shall make a map of such part of the route intended to be adopted by such company, or which shall have been adopted, giving also the location of the

points selected as crossing of one railroad by another, which shall be certified by a majority of the directors, approved by the commissioner of railroads, and filed in the office of the register of deeds of such county. The route so adopted, or any part thereof may be changed by the company as often as found expedient, before it has fully built its road thereon: *Provided*, That any such change shall be approved by the commissioner of railroads, and a new map, showing the new route adopted, shall be made, certified, and filed as aforesaid.

Change of route.

Proviso.

SEC. 30. Before the agreement mentioned in the preceding section (Sec. 29) shall have any force or effect, and before filing a duplicate thereof in the office of the secretary of State, the articles of consolidation shall be submitted to a board, consisting of the attorney general, commissioner of railroads, and secretary of State, to be examined by such board, to ascertain whether the proposed consolidation will be in accordance with the constitution and laws of this State, and if found in accordance therewith, said board shall approve the same. Upon such approval by said board a duplicate of the articles of agreement shall be filed in the office of the secretary of State, the said two or more corporations, mentioned or referred to in this section, shall be merged in the new corporation provided for in such agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein. And all and singular, the rights and franchises of each and all of said two or more corporations, parties to such agreement, and all and singular, their rights and interests in and to every species of property and things in action, shall be deemed to be transferred to and vested in such new corporation, without any other deed or transfer; and such new corporation shall hold and enjoy the same, together with all the right of way, and all other rights of property, in the same manner and to the same intent, as if said two or more corporations, parties to such agreement, should have continued to retain the title and transact the business of such corporation, and the titles and real estate acquired by either of said two or more corporations shall not be deemed to revert or be impaired by means of anything in this act contained: *Provided*, That all rights of creditors, and all liens upon the property of either of said corporations, parties to the said agreement, shall be and hereby are preserved unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same: *And provided further*, That all the debts, liabilities, and duties of either company shall thenceforth attach to such new corporation, and be enforced against the same, to the same extent, and in the same manner, as if such debts, liabilities, and duties had been originally incurred by it.

Approval necessary before consolidation.

Duplicate of agreement to be filed with secretary of State, etc.

Rights, franchises, etc., of consolidated corporation.

Proviso.

Further proviso.

SEC. 36. Any railroad company desiring to make the crossing or connection mentioned in subdivision six of section nine of this article, after having acquired the right thereto by purchase or condemnation in the same manner as prescribed by the act for obtaining title to real estate or other property, shall give written notice to the superintendent or assistant superintendent of the company

Proceedings where crossings or connections are sought to be made.

	or companies whose road or roads it desires to cross or connect with of the time when and the place where it desires to make such crossing or connection, and if said company cannot agree with such other company as to the manner of making such crossing, whether at grade or otherwise, the same shall be determined by a board consisting of the attorney general, secretary of State, and commissioner of railroads, who shall have power to and shall decide the manner of crossing, the proportion of cost which each company shall pay for making and for maintaining the same, but the proportion of expense for maintaining the same may be reviewed at any time by said board on application of either company, and the proportion of expense again determined: <i>Provided</i> , That in determining the manner of crossing, the board shall always provide that one road shall pass over the other where the same can be done without injustice to either company.
Expense of.	
Proviso.	
Discrimination forbidden.	SEC. 41. All railroad corporations shall grant equal facilities for the transportation of passengers and freight to all persons, companies, or corporations, without discrimination in favor of any individuals, companies, or corporations, and shall, at all points of connection, or intersection with the roads of other corporations, unite with such corporations in establishing and maintaining suitable platforms and station houses, for the convenience of passengers desiring to transfer from one road to the other, and for the transfer of baggage or freight, whenever the same shall be desired by either corporation, or ordered by the commissioner of railroads; the expense of constructing and maintaining such station house and platform shall be paid equally by such corporations. Such corporations connecting or intersecting as aforesaid, shall also, whenever desired by either of them, or ordered by the commissioner of railroads, so unite and connect the tracks of said several corporations, as to permit the transfer from the track of one corporation to the other of loaded or unloaded cars, designated [esigned] for transportation upon both roads. No railroad corporation shall in any manner discriminate in its rates of freight tariff, in favor of any individual, company, or corporation doing business over its line [of] road, and shall grant the same rights and privileges to all shippers, subject to the same rates and classification, without rebate or any other special privilege or rate not extended to all other shippers in the same class, who ship a like quantity or quantities. Any railroad corporation refusing to comply with any of the provisions of this section shall be liable to a penalty not exceeding five hundred dollars.
Maintaining platforms, etc., at points of intersection.	
Expense of.	
Connecting tracks.	
Discrimination in rates forbidden.	
Penalty.	
Powers of railroads to run, etc., steamboats, etc., in certain cases.	SEC. 45. Any railroad company in this State having either, or both, of its termini at the shore of one of the navigable lakes or streams through which the boundary line between this State and other States, or the Dominion of Canada passes, where physical connection between its road and other railroads without the State is impracticable by reason of such intervening navigable body of water, may own and operate on such body of water such number of steamboats, barges, or vessels as the traffic of passengers and freight between it and such other railroads shall render necessary,

or it may loan money to any person or corporation in aid of the construction of steamboats, barges, or other vessels to be so operated.

SEC. 46. That any railroad company or corporation owning or operating any railroad, wholly or partly within this State, and which has received aid from private individuals along its line of road in the construction of the same, shall maintain and run at least one passenger train each way over that portion of its road within this State, every week-day, unless prevented by accident or the elements, which train shall not be used for the transportation of freight, and such railroad company shall furnish sufficient accommodation with such train for the transportation of all such passengers as shall within a reasonable time previous thereto be ready at the several stations on its railroad at the junctions of other railroads, and at such stopping places as may be established for receiving and discharging way passengers, and shall take, receive, transport, and discharge such passengers at, from, and to such stations, junctions, and places, upon payment, or tender of payment, of the fare legally authorized therefor, if such payment shall be demanded. Any railroad company or corporation refusing to comply with any of the provisions of this section shall be liable to a penalty not exceeding five hundred dollars for each and every offense: *Provided*, That the provisions of this section shall not apply to narrow gauge railroads, or to express or baggage freights.

Railroad companies to run one passenger train each day, etc.

Penalty.

Proviso.

ARTICLE III.

SECTION 3. Every company formed under the provisions of this act shall, on or before the first day of July in each year, pay to the State treasurer, on the statement of the auditor general, an annual tax upon the gross receipts of said company, computed in the following manner, viz.: Upon all gross receipts, not exceeding four thousand dollars in amount per mile of road, actually and regularly operated for the conveyance of passengers and freight, two per cent of such gross earnings; upon such gross receipts in excess of four thousand dollars per mile so operated, three per cent thereof; which amount or tax shall be in lieu of all other taxes upon the property of such companies, except such real estate as is owned and can be conveyed by such corporation under the laws of this State, and not actually occupied in the exercise of its franchises, and not necessary, or in use in the proper operation of its road; but such real estate so excepted shall be liable to taxation in the same manner, and for the same purposes, and to the same extent, and subject to the same conditions and limitations as to assessment for taxation, to taxation, and to the collection and return of taxes thereon as is other real estate in the several townships within which the same may be situated, and when a railroad lies partly within and partly without this State, there shall be paid such portion of the tax herein imposed as the length of the operated road lying within this State bears to the whole length of the operated portion thereof. And the road of any

Payment of tax upon gross receipts.

Computation of gross receipts.

To be in lieu of other taxes.

Certain real estate, how taxed.

What deemed
road lying partly
within and partly
without State.

corporation organized under the laws of different States, and consolidated with a road belonging to a corporation organized under the laws of this State, the entire road so consolidated being known by the same corporate name, controlled by the same directors, and under the same management, represented by the same capital stock, and using the same equipments, shall be deemed and held to be a road lying partly within and partly without the State, within the meaning of the provisions of this act; and proprietary lines or leased roads, controlled and operated by any such corporation last herein specified, if within the State of Michigan, or lying partly within or partly without the State, shall be reported and taxed separately as a distinct corporation, and if such proprietary lines or leased roads lie wholly without the State they shall not be deemed to form any part whatsoever of the corporation proper liable to taxation under the laws of this State.

What deemed
as a distinct
corporation.

Lien of State
upon roads for
taxes, penal-
ties, etc.

SEC. 5. This State shall have a lien upon all railroads therein, and their appurtenances, and stock therein, for all penalties, taxes, and dues which may accrue to the State from the companies owning or operating the same, which lien of the State shall take precedence of all demands, judgments, assignments by warranty deed, or otherwise, or decrees against said companies, and each citizen of the State shall have a lien upon all the personal property of said company, for all penalties, dues, and demands against any such company to the amount of one hundred dollars, originally incurred or contracted within this State, which, after said lien of the State, shall take precedence of all other debts, demands, judgments, assignments by warranty deed, or otherwise, or decrees, liens, or mortgages against said company.

ARTICLE IV.

Trains to stop
before crossing
other railroads.

What train to
have precedence.

Penalty for
violation.

Proviso in case of
interlocking
switch, etc.

SECTION 14. Every locomotive engine, passenger, freight, or other train of cars running on any railroad shall be brought to a full stop not nearer than two hundred feet nor further than eight hundred feet from any railroad crossing, and shall not cross until the way is clear, and when two passenger or freight trains come up at the same time, the train on the road first built shall have precedence, provided they are both main tracks over which passengers and freights on said road are transported, but if only one is such main track, and the other is a side or depot track, then the train on the main track shall take precedence, but if one of said trains is a passenger and the other a freight train, then the former shall take the precedence, and every engineer, conductor, or other person having charge or control of said engine or train, who shall offend against the provisions of this section, shall be liable to a fine of not exceeding one hundred dollars for each violation: *Provided*, That whenever there shall be adopted and used at any such crossing an interlocking switch and signal system, or other device, which in the judgment of the commissioner of railroads will render it safe to permit engines and trains to pass over such crossings without being brought to a stop as above provided, said commissioner may, by a written

order, a copy of which shall be filed and retained in his office, give permission for engines and trains to pass under such regulations as to rate of speed, and in other respects as he may deem proper, which order, however, said commissioner may at any time modify or revoke.

SEC. 22. All person or persons, railroad companies or corporations, owning or operating roads in this State shall, and are hereby required on or before the first day of January, one thousand eight hundred and eighty four, to so adjust, fill or block the frogs, switches, and guard rails on their roads, in all yards, divisional and terminal stations, and where trains are made up, as to prevent the feet of employes or other persons from being caught therein. Any railroad company or corporation, which shall fail to comply with the provisions of this section, shall be liable to a fine of not less than one hundred dollars, nor more than one thousand dollars, and the neglect of any such person, company, or corporation to comply with the provisions of this section shall be deemed a violation of the same. All penalties incurred under this act may be recovered in the manner provided by law for the recovery of penalties incurred by private persons.

Blocking, etc.,
of frogs,
switches, etc.

Penalty for
failure.

Approved June 7, 1883.

[No. 175.]

AN ACT to provide for the incorporation of merchants' mutual insurance companies, and to regulate the business of insurance by merchants' and manufacturers' mutual insurance companies.

SECTION 1. *The People of the State of Michigan enact*, That any number of owners of real or personal property, who are residents of this State, not less than ten in number, may associate together and form an incorporated company, for the purpose of mutual insurance of the property of its members, against loss or damage by fire, or lightning, which property to be insured shall consist of any and all classes of property in cities and villages: *Provided, however*, That such companies shall not insure mills and factories.

Number of
incorporators.

Provide.

SEC. 2. Such persons so associating, shall file in the office of the commissioner of insurance, a statement, signed by all the incorporators, setting forth their purpose of forming a corporation for the transaction of the business of mutual insurance, in accordance with the provisions of this act, the name by which the corporation shall be known, the town or city, which shall be within the State, in which the principal office of said corporation is to be located, and a copy of the articles of association proposed to be adopted; notice of the intention to form such corporation shall be published once in each week, for at least five successive weeks, in a public newspaper published in the county where the principal office of said corporation is proposed to be located; affidavits of the publication of such notices, by the printer of the newspaper in which the same has been published, or of some one in his employ, knowing of such publication, may be filed in the office of the commis-

Statement to
be filed with
commissioner
of insurance.

Notice of inten-
tion to be pub-
lished, etc.

sioner of insurance, and shall be evidence of the facts therein stated.

Opening of
books to receive
proposition, etc.

Proviso as to
when companies
may commence
to do business.

SEC. 3. The persons so associating, after having filed the statement and published the notices as aforesaid, may open books to receive propositions, and enter into agreements in manner hereinafter specified, and in accordance with the articles of association of said corporation: *Provided, however,* That insurance companies organized as aforesaid shall not commence business until such company shall be possessed of not less than fifty thousand dollars in premiums, upon which not less than five thousand dollars shall have been paid in cash, and the remainder in notes or agreements of solvent parties, founded on actual and *bona fide* applications for insurance. Such notes or agreements may be for any amount deemed adequate by the directors of such company, but in no event shall any note, taken by such company, whether prior or subsequent to its organization, be for more than ten times the actual cash premium, or payment collected thereon, nor shall any such company, at any time, expose itself to loss, on any one risk, in excess of ten per cent of the face of all the deposit and premium notes or agreement in force held by such company.

Companies not
to hold real es-
tate except, etc.

SEC. 4. The companies formed under this act shall not purchase or hold any real estate except:

First, Such as shall be necessary for their immediate accommodation in transacting business; or

Second, Such as shall have been conveyed, or mortgaged to the companies in good faith, by way of security for debts; or

Third, Such as shall have been conveyed to the companies in satisfaction for debts; or

Fourth, Such as shall have been purchased at sales upon judgments, decrees, or mortgages in favor of said companies, or held or owned by them, and all real estate obtained by virtue of any provisions of this section, except that mentioned in the first subdivision, shall be sold or disposed of within five years after the title has been perfected in any such company, unless the company shall procure a certificate from the commissioner of insurance that the interest of said company will materially suffer by forced sale, in which event the sale may be postponed for such period as the said commissioner of insurance shall direct in said certificate, not exceeding ten years in all.

What corpora-
tors to declare in
articles of asso-
ciation, etc.

SEC. 5. It shall be the duty of the corporators of any company organized under the provisions of this act, to declare in its articles of association, which is hereby required to be filed with and approved by the commissioner of insurance, the mode and manner in which the corporate powers given under and by virtue of this act are to be exercised, the mode and manner of choosing officers, trustees, or directors, who shall each and all of them be residents of this State, the filling of vacancies, the period for the commencement and termination of its fiscal year, and shall prescribe the liabilities of the members to be assessed toward [towards] defraying the losses and expenses of such companies, and the mode and manner of collecting such assessments, and the members shall be

liable to assessments for all liabilities of the company to the extent declared in the articles of association.

SEC. 6. The articles of association thus to be filed, by any such corporation, shall be examined by the attorney general, and if found to be in accordance with the requirements of this act, he shall certify the same to the commissioner of insurance, and said commissioner in person, or by his deputy, or by the appointment of some other disinterested person for that purpose, shall examine and certify that any such company has received and is in actual possession of the premiums or engagements of insurance, as the case may be, to the full extent required by this act; copies of such certificate shall be filed in the office of the commissioner of insurance, whose duty it shall be to furnish the corporators with a certified copy of the charter and the certificates aforesaid, which upon being filed by them in the county clerk's office of the county in which the office of any such company is located, shall be their authority to commence business, and to issue policies of insurance, and the same may be used in evidence for or against said corporation; and suits may be brought against any such company, in any county in this State in which it shall do business, or take risks, in which the plaintiff resides, or in the county where the principal office of the company is located.

Attorney general to examine articles of association.

Certificate to commissioner, etc.

Filing of copies of certificates, etc.

Where suits against may be brought.

SEC. 7. The corporators, trustees, or directors, as the case may be, of any company organized under this act, shall have a power to make such by-laws, not inconsistent with the constitution or laws of this State, as may be deemed necessary for the government of its officers and members, and the conduct of its affairs.

By-laws, etc.

SEC. 8. Any company formed under this act shall be deemed a body corporate and politic, in fact and in name, and shall be subject to all of the provisions of the statute in relation to corporations so far as they are applicable.

A body politic and corporate, etc.

SEC. 9. Any such company formed under this act shall have power to amend its articles of association at the regular annual meeting, held according to the provisions of said articles of association, and upon giving notice of such intention, by publishing for three successive weeks in some two or more newspapers of general circulation, published daily in the city where the principal office of the company may be located. Said amendments so had shall be submitted to the attorney general, and his certificate of compliance with the law obtained, and a copy of said amendments with said certificate shall be filed in the office of the commissioner of insurance, and if he approve of such amendments, shall make a certified copy thereof, and deliver the same to the company, which, upon being filed with the county clerk of the county in which the office of such company is located, shall become operative.

Amending articles of association.

SEC. 10. Suits at law may be maintained by corporations formed under this act against any of its members for any cause relating to the business of such corporation, also suit at law may be prosecuted and maintained by any member against such corporations for claims which may have accrued, if payments are withheld more than sixty days after such claims shall have become due. The arti-

Suits at law by and against.

Provision for receiving premium notes, etc.

cles of association and by-laws of any such company, organized under the provisions of this act, may provide for the receiving of applications from its members for insurance, taking from the insured an agreement or premium note, or notes, and it shall be lawful for such mutual insurance companies to make assessments upon such agreements, or upon the premium note, or notes, as the case may be, *pro rata*, according to the amount of such agreement or premium note, or notes, for the payment of the losses and expenses incurred by such companies, and all such premium notes, or agreements, or assessments thereon shall be a lien upon the property insured to the amount of such note, notes, or agreements, assessments, costs, and interest due thereon.

Annual report of certain officers, and what to contain.

SEC. 11. It shall be the duty of the president, or vice president, and secretary of any such company, organized under this act, annually on the first day of January, or within one month thereafter, to prepare under their own oath, and deposit in the office of the commissioner of insurance, a statement of the conditions of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items, namely:

First, The number of members belonging to the company, the number of members added during the year, the number of members who have withdrawn or whose policies have been canceled during the year;

Second, The amount of property at risk December thirty-first of the previous year, the amount of risks added during the year, the amount of risks canceled, withdrawn, or terminated during the year, and the net amount at risk by the company;

Third, The amount of premium, or deposit notes, or agreements in force, the amount of cash premiums or assessments actually on hand, the amount of outstanding assessments not canceled, the nature and amount of all other resources, the total amount of resources;

Fourth, The claims for losses due and payable; the claims for losses not matured; the claims for losses resisted; the nature and amount of all other claims due or accrued; and the total amount of liabilities;

Fifth, The amount of premium or deposit notes taken during the year; the amount of cash premiums received during the year; the amount collected on assessments which were levied during the year; the amount collected during the year on assessments which were levied in prior years; the amount received from membership or policy fees, or from any other sources constituting an expense to the insured; the amount received from percentage on increased or decreased insurance; the income from all other sources and the total income;

Sixth, The amount paid for losses during the year, stating the amount of same which was for losses of previous years; the amount of salary and fees paid to officers and directors; the amounts of all other expenditures during the year, and the total expenditures during the year;

Seventh, The commissioner of insurance may from time to time

make any change in the form of annual reports to be made by such companies, to elicit further information regarding the condition of the company.

SEC. 12. A copy of every such sworn statement and report shall in said month of January be published at least twice in said month in a newspaper published in the county where the business office of the company is located; also a copy of such sworn statement shall be filed in the office of the county clerk of such county where the office of the company is located; also a copy of such sworn statements, with an additional affidavit showing that the same has been published, and that the same has been filed in the office of the county clerk as herein provided, shall be filed in the office of the commissioner of insurance, and if upon examination of such annual statement or of the affairs of the company it shall appear to the commissioner of insurance that the losses and expenses of any company, organized under this act, have during the year exceeded the cash premiums and assessments collected to such an extent as to imply a doubt in the mind of said commissioner of insurance as to the solvency of said company, and its ability to pay all its losses and other debts, it shall be the duty of said commissioner of insurance to notify the officers of said company to, at the end of sixty days from the date of such notice, discontinue the issuing of policies, and to suspend its business until such time as that the officers and directors of said company shall collect assessments and pay such losses and debts, and satisfy said commissioner of insurance of the solvency of such company.

Publication of copy of statement and report, filing same in office of county clerk, etc.

When commissioner may order discontinuance of business.

SEC. 13. In case the officers or directors of such company shall neglect or refuse to perform any of the duties required of them by this act, or shall knowingly make or permit to be made, any false or imperfect statement in any annual or other report required to be made by them, or shall knowingly aid in, or formally consent to any violation of the provisions of this act, then in such case every such director, officer, or person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to punishment by fine not exceeding five hundred dollars, or to imprisonment not exceeding one year; and in case such neglect or refusal on the part of such officers or directors to conform to and be guided by the requirements of this act is known to the commissioner of insurance, it shall be his duty to notify the prosecuting attorney of the county where the office of such company is located, whose duty it shall then be to commence legal proceedings against such officers or directors to enforce the penalty herein imposed.

Penalty for neglect of duties by officers, false reports, etc.

SEC. 14. The books of any such company shall be open to the examination of any and all the officers, and of the members at any time; also the inspection of the commissioner of insurance, in person, or by deputy, whenever he shall deem an examination necessary.

Books of company open to examination, etc.

SEC. 15. In case of insolvency, neglect, or refusal of any such company to meet its liabilities and discharge all outstanding claims against such companies [company], the commissioner of insurance may, in person, or by counsel, appear in the circuit court of the

Receiver may be appointed, in certain cases.

Powers and duties of receiver.

county where the office of such company is located, and move for the appointment of a receiver for said company, and the company may also be heard upon such motion, and if it shall appear to the satisfaction of the court that the affairs of the company are in such condition that such motion for the appointment of a receiver shall be granted, the said court shall then and there appoint a receiver for such company, who shall be empowered to take possession of all books, paper, moneys, and personal property of such company, and shall at once proceed to the collections of funds and the liquidation of the liabilities of such company, in accordance with the provisions of this act and in conformity to the charter and by-laws of such company. Such receiver shall keep an accurate account of all moneys and other property received by him; he shall pay over all moneys by him collected, and the proceeds of all personal property, *pro rata*, upon the liabilities of the company, retaining therefrom, for his services and expenses, such an amount as the court may deem reasonable; he may sue for and recover any legal assessment made upon the policy holders or members of the company, and he shall use due diligence in the settlement of the affairs of the company, and make his final report to the court making the appointment, from whence he shall get his formal discharge.

Companies not to be limited to territory less than whole State, etc.

SEC. 16. No mutual fire insurance company, whether organized under the laws of this or any other State, and authorized to do business under the laws of this State, and which shall confine its business to manufacturing risks or the other risks mentioned in this act, shall be limited by law in the performance of its business or the taking of its risks to any of the territorial subdivisions of the State, less than the whole thereof, and the limitation of the amount at risk in such companies shall be ten per cent upon their notes instead of their cash on hand.

This act is ordered to take immediate effect.

Approved June 7, 1883.

[No. 176.]

AN ACT to provide for the relief and support of Edward Murphy.

State treasurer to pay to superintendents of poor, etc.

SECTION 1. *The People of the State of Michigan enact*, That the treasurer of the State of Michigan pay to the superintendents of the poor of the county of Jackson, three hundred dollars a year, in quarterly payments, for the support of Edward Murphy, now supported at the county poor house of the county of Jackson, during the life of the said Edward Murphy, which money shall be applied by said superintendents of the poor of the county of Jackson, to the support of said Edward Murphy, and no other purpose.

Statement of superintendents to be filed.

SEC. 2. That the superintendents of the poor of the county of Jackson shall file with the State treasurer, quarterly, a verified statement of the manner in which said money had been expended during the previous quarter.

SEC. 3. If the State treasurer shall at any time become satisfied that, on account of a change in the conditions of said Edward Murphy, such expenditure has become unnecessary, he shall have the power to discontinue the payments. In such case he shall forthwith file with the superintendents of the poor of Jackson county, and with the governor of this State, a statement in writing of his reasons for discontinuing the said payments.

Power of State treasurer to discontinue payments, etc.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 177.]

AN ACT to authorize the board of control of the insane asylum at Traverse city to place the same under charge of the homeopathic school of medicine.

SECTION 1. *The People of the State of Michigan enact*, That the board of control of the northern asylum for the insane is hereby authorized to place the medical administration of the same under the supervision and control of a reputable physician and surgeon of the homeopathic school of medicine.

Medical administration.

Approved June 8, 1883.

[No. 178.]

AN ACT to amend act number two hundred and fifty-nine of the public acts of eighteen hundred and eighty-one, entitled "An act to regulate the sale of spirituous, malt, brewed, fermented, and vinous liquors, to prohibit the sale of such liquors to minors, intoxicated persons, and to persons in the habit of getting intoxicated, to provide a remedy against persons selling liquors to husbands or children, in certain cases, and to repeal all acts, or parts of acts inconsistent herewith," approved June ten, eighteen hundred and eighty-one, by adding a new section thereto to stand as section fifteen of said act.

SECTION 1. *The People of the State of Michigan enact*, That act number two hundred and fifty-nine of the public acts of eighteen hundred and eighty-one, entitled "An act to regulate the sale of spirituous, malt, brewed, fermented, and vinous liquors, [to prohibit the sale of such liquors] to minors, to intoxicated persons, and to persons in the habit of getting intoxicated, to provide a remedy against persons selling liquor to husbands or children in certain cases, and to repeal all acts, or parts of acts inconsistent herewith," approved June ten, eighteen hundred and eighty-one, be amended by adding a new section thereto, to stand as section fifteen of said act, as follows:

Act amended by adding section.

SEC. 15. It shall not be lawful for any person, including druggists, by himself, his clerk, agent, or servant, directly or indirectly, to sell or offer for sale, furnish or give any spirituous, malt, brewed,

Prohibiting sale, etc., of liquor, etc., within certain territory.

Punishment
for sale, etc.

fermented, or vinous liquors, or any beverage, liquors, or liquids containing any spirituous, malt, brewed, fermented, or vinous liquors, or suffer the same to be done, at any time, within a radius of two miles from the grounds or premises of the Michigan military academy, an institution of learning located near Orchard Lake, in the county of Oakland, in this State. For every violation of any of the provisions of this section, the person so offending shall be punished by a fine of not less than two hundred dollars, nor more than five hundred dollars, or by imprisonment not exceeding one year, in the discretion of the court.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 179.]

AN ACT to regulate the width of wagon tires to be used with lumber wagons.

Rebate of high-
way tax in cer-
tain cases.

SECTION 1. *The People of the State of Michigan enact*, That all persons who shall have used only lumber wagons on the public highways of this State, with rims not less than three and one-half inches in width, for hauling loads exceeding eight hundred pounds in weight, for the year ending on the first day of June, in the year of our Lord, one thousand eight hundred and eighty-four, and each succeeding year thereafter, shall receive a rebate of one-fourth of their assessed highway taxes for the year eighteen hundred and eighty-four, and in like manner each succeeding year thereafter.

Oath to be made
to entitle per-
sons to rebate.

SEC. 2. Any person complying with the provisions of section one of this act, who shall make and subscribe to an affidavit that he or she has for the last preceding year of June first, eighteen hundred and eighty-four, or on the first day of June on any succeeding year thereafter, have used only such wagons with rims not less than three and one-half inches in width, for hauling loads exceeding eight hundred pounds in weight on the public highways of this State, shall be credited by the overseer of highways of the road district in which such person resides, with one-fourth of the road tax assessed and levied on the property of such person in the road district in which such person may reside. And any overseer of highways is hereby authorized to administer such oath.

Approved June 8, 1883.

[No. 180.]

AN ACT to provide for the completion of county drains in certain cases.

Township drain
commissioners in
certain cases
to complete, etc.
county drains.

SECTION 1. *The People of the State of Michigan enact*, That township drain commissioners of townships in counties where the office of county drain commissioner has been discontinued by a

failure to elect or appoint county drain commissioners, are hereby authorized to relay, complete, finish, and maintain any partly constructed county drains heretofore laid out within their respective townships, in the same manner and under the same provisions of law, and upon the same terms and conditions, in all respects, except as to time of completion, as the same would or should have been completed under the direction and supervision of the county drain commissioner, if such office had been continued; and for the purpose of relaying, completing, and maintaining such unfinished county drains, the township drain commissioner shall have all the powers and perform all the duties of county drain commissioners, in their respective townships.

Approved June 8, 1883.

[No. 181.]

AN ACT authorizing foreign coöperative corporations or associations to transact business in this State.

SECTION 1. *The People of the State of Michigan enact*, That any corporation or association organized, or that may hereafter be organized under the laws of any other State, to insure lives on the assessment plan, or any corporation or association so organized, carrying on the business of life or accident insurance, on the assessment plan, shall be licensed by the commissioner of insurance, upon payment to him, for the benefit of the State, a fee of twenty-five dollars, to do business in this State: *Provided*, Such corporation or association shall first deposit with the commissioner of insurance a certified copy of its charter or articles of incorporation, a copy of its statement of business for the preceding year, sworn to by the president and secretary, or like officers, showing a detailed account of expenses and income, the same as is required of life insurance companies doing business under the laws of this State, and setting forth to the satisfaction of said commissioner that it has the ability to pay to the beneficiaries of the members its policies or certificates to the full limit named therein, together with a copy of its policy or certificate of membership, application, and by-laws, which must show death losses, as are in the main provided by assessment upon surviving members, and it shall designate a person or agent, residing in this State, to receive service or process for said company: *Provided*, Such service may be made on the commissioner of insurance of this State, who shall be deemed its agent for that purpose, and he shall immediately notify any corporation or association thus served.

Corporations, etc., authorized to do business in this State.

Proviso in reference to papers to be filed with commissioner of insurance.

Appointment of agent to receive service.

SEC. 2. Upon complying with the provisions of section one of this act, the commissioner of insurance shall issue to such corporation or association, so complying, a certificate of authority to do business in this State: *Provided*, The same right is extended by the State in which such corporation is organized to similar corporations or associations organized in this State.

Commissioner of insurance to issue certificate.

Proviso.

Annual statement to commissioner of insurance, fee, etc.

SEC. 3. After any such corporation or association shall have been licensed to do business in this State, it shall make annually, March first, to the commissioner of insurance, on blanks furnished by him, the same detailed statement as is provided for in section one of this act, and shall pay on filing such statement a fee of ten dollars, for the use of the State.

When commissioner may revoke authority to do business, etc.

SEC. 4. Whenever the commissioner of insurance of this State shall have reason to doubt the solvency of any such corporation or association, he may, at the expense of such corporation or association, cause an examination of its books and papers to be made, and if such examination establishes the fact that such corporation or association is not financially sound, or is unable to carry out its contracts with its members in good faith, he may revoke the authority of such corporation or association, and prohibit it from doing business in this State, until it can again comply with the provisions of section one of this act.

When such corporations, etc., shall be deemed to be doing business unlawfully.

SEC. 5. Any such foreign corporation or association now doing business in this State, that shall refuse or neglect to comply with the provisions of this act, after a space of thirty days after it takes effect, shall be deemed and held to be doing business unlawfully, and if any officer, agent, or employé, of any such corporation or association shall do business in this State, or assist in, or knowingly permit the same, in violation of the provisions of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars, or be imprisoned in the county jail not more than ninety days, or both, in the discretion of the court: *Provided*, This act shall not be construed so as to apply to any secret or fraternal society, lodge, council, or association, now doing business in this State, which is under the supervision of a grand or supreme body, and furnishes insurance to its members, but neither pays any commissions, nor employs any paid agents, whether organized under the laws of this or any other State, but such secret or fraternal societies, lodges, councils, or associations, now doing business in this State, shall be authorized to transact business in this State, and not be subject to the provisions of this or any other act.

Penalty.

Proviso.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 182.]

AN ACT making an appropriation to aid in maintaining the fire and police department in the city of Lansing.

Appropriation made.

SECTION 1. *The People of the State of Michigan enact*, That there is hereby appropriated, out of moneys in the treasury to the credit of the general fund not otherwise appropriated, the sum of seven hundred and fifty dollars for the year eighteen hundred and eighty-three, and a like sum for the year eighteen hundred and

eighty-four, toward the maintenance of the fire and police department of the city of Lansing.

SEC. 2. Said money shall be paid on the warrant of the auditor ^{How paid.} general to the treasurer of said city, on the first day of December in each of said years, or as soon thereafter as such warrant shall be presented.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 183.]

AN ACT to amend section eight, of act number two hundred and sixty-eight, of the public acts of eighteen hundred and seventy-nine, entitled "An act to provide for the taxation of the business of manufacturing and selling spirituous and intoxicating, malt, brewed, or fermented liquors," approved May thirty-first, eighteen hundred and seventy-nine, as amended by act number one hundred and fifty-six, of the public acts of eighteen hundred and eighty-one, approved May nineteen, eighteen hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact,* That section eight of act number two hundred and sixty-eight, of the public acts of eighteen hundred and seventy-nine, entitled "An act to provide for the taxation of the business of manufacturing and selling spirituous and intoxicating, malt, brewed, or fermented liquors," approved May thirty-one, eighteen hundred and seventy-nine, as amended by act number one hundred and fifty-six, of the public acts of eighteen hundred and eighty-one, be amended so as to read as follows: ^{Section amended.}

SEC. 8. All moneys paid to any county treasurer under the provisions of this act, after deducting his fees as herein provided, shall be by him placed to the credit of the contingent fund of the township, village, or city from which the same was collected, and shall be by such county treasurer paid over on demand to the treasurer of such township, village, or city, and the said moneys, so paid over, shall be by such township, village, or city, applied to any township, village, or city purpose whatever, which the township board, village board of trustees, or city council shall direct. The county treasurer shall receive and retain one per cent on all [such] moneys paid to him as a recompense, in full for all his services, rendered under the provisions of this act. ^{Moneys to be placed to credit of contingent fund.} ^{Fees of county treasurer.}

Approved June 8, 1883.

[No. 184.]

AN ACT to regulate the taking of fish from the inland lakes and streams of the State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That all

Fishing except
with hook and
line prohibited.

persons are prohibited after the passage of this act from fishing with any seine, net, or any other device other than hook and line, within three hundred feet of any fish-shute or ladder, below any dam where such shute or ladder may be located, or within one hundred feet of any such shute or ladder, above any such dam.

Catching certain
fish for sale
prohibited.

SEC. 2. It shall not be lawful hereafter for any person or persons to catch or capture, by any means whatever, for the purpose of sale or shipment, or to take, catch, or capture and sell or ship any brook trout or grayling from any of the inland waters of this State.

Punishment for.

SEC. 3. Any person violating the provisions of this act shall, on conviction thereof, be subject to a fine for each offense of not less than five dollars nor more than twenty-five dollars, or imprisonment in the county jail not less than ten days nor more than thirty days, at the discretion of the court.

SEC. 4. All acts or parts of acts inconsistent herewith are hereby repealed.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 185.]

AN ACT to amend section two hundred and thirty-three, of chapter one hundred and seventy-eight, being compiler's section number five thousand four hundred and eighty-one, of the compiled laws of eighteen hundred and seventy-one, relative to process from justices' courts.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section two hundred and thirty-three, of chapter one hundred and seventy-eight, being compiler's section number five thousand four hundred and eighty-one, of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Process to
be signed.

Contents of affi-
davit, etc., need
not be recited
in process.

(5481.) SEC. 233. All process issued by a justice of the peace shall be signed by him, and may be under seal or without seal. It shall not be necessary in any process to recite any of the contents or conditions of any bond or affidavit required to be made or filed before the issue of such process, but in any case the statement in such process, that such affidavit or bond has been made or filed, shall be sufficient.

This act is ordered to take immediate effect.

Approved June 8, 1883.

[No. 186.]

AN ACT to amend section seventy-seven of an act entitled "An act to amend chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, entitled 'Of courts held by justices of the peace,'" approved February thirteen, eighteen hun-

dred and fifty-five, being section five thousand three hundred and twenty-five, of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That section seventy-seven of an act entitled "An act to amend chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, entitled 'Of courts held by justices of the peace,'" approved February thirteen, eighteen hundred and fifty-five, being section five thousand three hundred and twenty-five, of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

(5325.) SEC. 77. In every action where the title to land shall in any wise come in question, the defendant may give notice thereof, under the general issue, upon the return day, or any adjourned day of such action, and he may also give notice as in other cases, of any other matter of defense.

Section amended.

Notice that title to real estate will come in question, etc.

Approved June 8, 1883.

[No. 187.]

AN ACT to amend section thirteen of an act entitled "An act to regulate the sale of spirituous, malt, brewed, fermented, or vinous liquors, to prohibit the sale of such liquors to minors, to intoxicated persons, and to persons in the habit of getting intoxicated, to provide a remedy against persons selling liquor to husbands or children in certain cases, and to repeal all acts or parts of acts inconsistent herewith."

SECTION 1. *The People of the State of Michigan enact*, That section thirteen of act number two hundred and fifty-nine, of the laws of eighteen hundred and eighty-one, being an act entitled "An act to regulate the sale of spirituous, malt, brewed, fermented, or vinous liquors, to prohibit the sale of such liquors to minors, to intoxicated persons, and to persons in the habit of getting intoxicated, to provide a remedy against persons selling liquor to husbands or children in certain cases, and to repeal all acts or parts of acts inconsistent herewith," be so amended as to read as follows:

SEC. 13. It shall not be lawful for any druggist, nor for any person whose business consists in whole or in part of the sale of drugs and medicines, directly or indirectly, by himself, his clerk, agent, or servant, at any time to sell, furnish, give, or deliver any spirituous, malt, brewed, fermented, or vinous liquors, or any mixed liquor, a part of which is spirituous, malt, brewed, fermented, or vinous, to a minor, except for medicinal or mechanical purposes, on the written order of the parent or guardian of such minor, nor to any adult person, whatever, who is at the time intoxicated, nor to any person who is in the habit of getting intoxicated, nor to any Indian, or any person of Indian descent, nor to any person whose husband, wife, parent, child, guardian, or employer shall forbid the same, nor

Section amended.

No person to furnish any minor liquor without written order of parents, etc.

Record of sales
to be kept by
druggist.

Bond of
druggist.

Form of bond.

to any other person, to be used as a beverage, but such druggists shall be allowed to sell said liquors for medicinal, mechanical, and sacramental purposes only, and subject to the following restrictions and conditions: Every such dealer in drugs shall procure and keep a suitable blank book, in which shall be recorded by said druggist, his clerk, or employé, the names of all persons applying for such liquor for any of these lawful purposes, the date of each sale, the amount and kind of liquor sold to each person, and the purpose to which the same was to be applied, as stated by the purchaser, which book shall be kept in the store of said druggist, and shall be open to all persons for examination during all business hours, and the failure to keep a record of every such sale, or the delivery of liquor for any purpose other [than] above named, shall subject such druggist to the penalties provided for in this section. Every such druggist shall, before commencing business, and on or before the first Monday in May in each year thereafter, execute and file with the county treasurer a bond to the people of the State of Michigan, in the penal sum of not less than one thousand nor more than three thousand dollars, with two good and sufficient sureties, to be approved by the township board of the township, or the board of trustees, or the common council of the village or city in which such druggist shall be carrying on such business, which bond shall be in lieu of all other bonds, and shall be substantially as follows:

Know all men by these presents: That we, as principal, and and as sureties, are held and firmly bound unto the people of the State of Michigan in the sum of two thousand dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators firmly by these presents. Sealed with our seals, and dated this day of eighteen hundred and

WHEREAS, The above named principal proposes to carry on the business of a druggist at, in the county of and State of Michigan;

AND WHEREAS, The said principal hath covenanted and agreed, and doth hereby covenant and agree, as follows, to wit: That he will not directly or indirectly, by himself, his clerk, agent, or servant, at any time, sell, furnish, give, or deliver any spirituous, malt, brewed, fermented, or vinous liquors, or any mixed liquor, a part of which is spirituous, malt, brewed, fermented, or vinous, to a minor, except for medicinal or mechanical purposes, on the written order of the parent or guardian of such minor, nor to any adult person, whatever, who is at the time intoxicated, nor to any person in the habit of getting intoxicated, nor to any Indian, nor to any person of Indian descent, nor to any person whose husband, wife, parent, child, guardian, or employer shall forbid such selling, furnishing, or giving [to] as aforesaid, nor to any person to whom the sale, furnishing or giving of such liquors has been forbidden by the supervisor of the township, the mayor, director of the poor, or any supervisor or alderman of the city, or superintendent of the poor or the county in which such person may reside or temporarily remain; that he

will sell such liquors for medicinal, mechanical, and sacramental purposes only, and that he will pay all damages, actual and exemplary, that may be adjudged to any person for injuries inflicted upon them, either in person or property, or means of support, by reason of his selling, furnishing, giving, or delivering any such liquors.

Now, the condition of this obligation is such, that if said principal shall well and truly keep and perform all and singular the foregoing covenants and agreements, and shall pay any judgment for actual or exemplary damages which may be recovered against him in any court of competent jurisdiction, and all fines that may be imposed upon him for violation of this act, then this obligation shall be void and of no effect, otherwise the same shall be in full force and effect.

Signed and sealed in the presence of

----- [L. S.]
 ----- [L. S.]
 ----- [L. S.]

Whenever any druggist shall violate any of the provisions of this section he shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than two hundred dollars and costs of prosecutions, and imprisonment in the county jail not less than ten days nor more than ninety.

Penalty for unlawful sale by druggist.

Approved June 8, 1883.

[No. 188.]

AN ACT to amend section five of an act entitled "An act to authorize the sale of the Central railroad, and to incorporate the Michigan Central railroad company," approved March twenty-eight, eighteen hundred and forty-six.

SECTION 1. *The People of the State of Michigan enact*, That section five of an act entitled "An act to authorize the sale of the Central railroad, and to incorporate the Michigan Central railroad company," approved March twenty-eight, eighteen hundred and forty-six, be amended so as to read as follows:

Section amended.

SEC. 5. The Michigan Central railroad company shall have full power and authority to locate, and from time to time to alter, change, re-locate, construct, and reconstruct, and fully to finish, perfect, and maintain a railroad with one or more tracks: *Provided*, That said company shall not re-locate any portion of said railroad so as to change materially the route thereof, after the heavy rail hereinafter provided for has been placed thereon, from some suitable point, not more than six thousand feet distant from the termination of Woodward avenue, on the Detroit river, in the city of Detroit, to pass through the villages or towns of Ypsilanti, Ann Arbor, Dexter, Jackson, Marshall, Battle Creek, Kalamazoo, to some point in the State of Michigan, on or near Lake Michigan, which shall be accessible to steamboats navigating said lake, and thence to some point on the southern boundary line of the State

Location and construction of road, etc.

Provido.

Transportation of property. of Michigan, and to transport, take, and carry property and persons upon said railroad, or way, by power, or force of steam, or of animals, or of any mechanical, or other power, or any combination of them which said company may choose to use or apply; and for the purpose of constructing said railroad, or way, said company shall have authority and power to lay out, designate, and establish their road in width not exceeding one hundred and fifty feet through the entire line thereof, and may take, have, and appropriate to their use, all such lands so designated for the line or construction of said road, upon first paying, or tendering therefor, such amount of damage as shall have been settled by appraisal in the manner hereinafter provided. On all such lands as may be taken westwardly from the village of Kalamazoo, or upon any new track which may be located by said company, and for the purpose of cuttings and embankments, and for the obtaining of stone, sand, and gravel, may take and appropriate as much more of land as may be necessary for the proper construction and security of said road, and for constructing shops, depots, and other proper, suitable, and convenient fixtures in connection with, and as appurtenances to said railroad, may take, have, use, and occupy any lands on either side of said railroad, not exceeding two hundred feet in depth from said railroad; the said company taking all such lands as gifts, or purchasing, or making satisfaction for the same, in manner hereinafter provided. This section shall not be construed to restrict or prevent the construction of public roads, or canals, or railroads, or private ways under, above, or across the road of said company, when deemed expedient, but so as not unnecessarily to obstruct the same; but the said Michigan Central railroad company shall be and are hereby required to fix the eastern terminus and depot of their road within the limits of the city of Detroit: *Provided*, The said city shall furnish to the company, without charge or cost to said company, the right of way upon any of the public streets, for their track, for the passage of engines and trains within said limits, leading to said terminus, for which purpose the common council of the city of Detroit may grant the use of the public streets, under such restrictions only as that such streets shall not be unnecessarily obstructed, nor the grade unnecessarily altered thereby.

Width of road, etc.

Taking of property for purposes of, upon payment of damages.

Construction of section.

Proviso.

Ordered to take immediate effect.

Approved June 8, 1883.

[No. 189.]

AN ACT to amend section five of an act entitled "An act to authorize the sale of the Southern railroad, and to incorporate the Michigan Southern railroad company," approved May nine, eighteen hundred and forty-six.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of an act entitled "An act to authorize the sale of the

Southern railroad, and to incorporate the Michigan Southern railroad company," approved May ninth, eighteen hundred and forty-six, be amended so as to read as follows: The said Michigan Southern railroad company shall have full power and authority to locate and from time to time, to alter, change, and re-locate, so as to not [so as not to] materially change the route, construct, and reconstruct, and fully to finish, perfect, and maintain a railroad with one or more tracks, from some suitable point, at or near the mouth of the ship canal in the city of Monroe, to pass through the villages or towns of Petersburg, Adrian, Hillsdale, and thence to Coldwater by the way of Jonesville, if deemed the most practical route, and from thence to Lake Michigan, on the line heretofore established as the line of the Southern railroad by the State, or anywhere further southward than said line, and also from the junction of the Tecumseh branch with the said Southern railroad, to pass through the villages of Tecumseh and Clinton to the village of Manchester, in the county of Washtenaw, in this State, and to transport, take, and carry property and persons upon said railroad or way, by power and force of steam, or of animals, or of any mechanical, or other powers, or any combination of them which said company may choose to use or apply. And for the purpose of constructing said railroad or way said company shall have authority and power to lay out, designate, and establish their road in width not exceeding one hundred and fifty feet, through the entire line thereof, and may take, have, and appropriate to their use all such lands so designated for the line or construction of said road, upon first paying or tendering therefor, or depositing with the treasurer of the State, subject to the order of the court which may confirm the inquisition of the jury, such amount of damages as shall have been settled by appraisal, in the manner hereinafter provided, on all such lands as may be taken westwardly from the village of Hillsdale, or northwardly to [of] Tecumseh on the Tecumseh branch, or upon any new track that may be located by said company, and for the purpose of cuttings, and embankments, and for the obtaining of stone, sand, and gravel, may take and appropriate as much more of land as may be necessary for the proper construction and security of said road; and for constructing shops, depots, and other proper, suitable, and convenient fixtures in connection with and as appurtenances to said railroad, may take, have, use, and occupy any lands on either side of said railroad not exceeding two hundred feet in depth from said railroad, the said company taking all such lands as gifts, or purchasing, or making satisfaction for the same in manner hereinafter provided. This section shall not be construed to restrict or prevent the construction of public roads, or canals, or private ways, under, above, or across the road of said company, when deemed expedient, but so as not unnecessarily to obstruct the same.

Location and alteration, etc., of route, and construction of track.

Powers and authority of company for purposes of construction, etc.

Constructing depots, shops, etc.

How act construed.

Ordered to take immediate effect.

Approved June 8, 1883.

[No. 190.]

AN ACT to provide for the location, erection, organization, and management of an asylum for insane criminals.

Board of corrections etc., authorized to locate asylum.

SECTION 1. *The People of the State of Michigan enact*, That the board of corrections and charities be instructed and empowered to locate an asylum for insane criminals in connection with or adjacent to the State house of correction at Ionia, to be known as the Michigan asylum for insane criminals.

Purchase of lands for.

SEC. 2. In case there is not sufficient land for the necessities of such asylum available in connection with the State house of correction, the board of corrections and charities is hereby authorized and empowered to purchase a tract of land not exceeding thirty acres. Such land when purchased shall be considered part of the house of correction property, and shall be under the control of the board of managers of that institution.

Board to adopt plans, etc.

SEC. 3. The board of corrections and charities shall procure and adopt plans and specifications, and the board of managers aforesaid shall proceed to erect and construct said asylum in accordance therewith: *Provided, however*, That the entire cost of said asylum shall not exceed, when completely finished and furnished with heating apparatus, roads, fences, and outbuildings, the sum of sixty thousand dollars.

Proviso.

Appropriation and tax for.

SEC. 4. There is hereby appropriated for the purpose of carrying out the provisions of this act, the sum of sixty thousand dollars, and the same shall be incorporated in the State taxes as follows, to wit: For the year one thousand eight hundred and eighty-three, sixty thousand dollars, this sum to be assessed, levied, and collected in the same manner as other State taxes are by law assessed, levied, and collected, which taxes when collected shall be credited to the general fund to reimburse the same for the amounts drawn therefrom.

How moneys drawn and expended.

SEC. 5. All moneys appropriated hereby may be drawn from the State treasury upon the warrant of the auditor general, in such sums and at such times as shall be made to appear to him necessary; they shall be expended only for the purpose specified and their receipt and disbursement shall be accounted for by duplicate vouchers and monthly accounts current.

Appointment of medical superintendent.

Powers and duties of.

Appointment of treasurer.

SEC. 6. After the completion of said asylum the board of managers aforesaid shall appoint a medical superintendent who shall be a well educated physician experienced in the treatment of the insane. He shall reside in the building and devote all his time to the care and treatment of those confined therein for treatment, shall also have charge of said asylum under the direction of said managers, and shall make all purchases for the support of the same. The board of managers shall likewise appoint a treasurer, not one of their own number, who shall give bonds for the faithful performance of his trust in such sum and with such sureties as the auditor general of the State shall approve. They shall also appoint, upon the nomination of the medical superintendent, one assistant physician and a matron who shall constantly reside in the asylum.

SEC. 7. The managers shall from time to time determine the annual salaries and allowances of the officers, and such salaries shall not exceed in the aggregate the sum of three thousand dollars. The salaries of the officers shall be paid quarterly on the first days of January, April, July, and October in each year, by the treasurer of the State on the warrant of the auditor general out of any moneys belonging to the general fund, to the treasurer of the asylum on his presenting a bill of particulars to be signed by the medical superintendent and certified by the president (or resident member) of the board of managers.

Salaries of
officers.

SEC. 8. The officers aforesaid before entering upon their duties shall severally take the oath prescribed by the constitution.

Oath of officers.

SEC. 9. The managers are hereby directed and empowered to establish such by-laws as they may deem necessary and expedient for regulating the appointment and duties of officers, attendants, and assistants, and for conducting in a proper manner the business of the institution; also to ordain a suitable system of rules and regulations for the internal government and discipline and management of the asylum.

Establishment,
etc., of by-
laws, etc.

SEC. 10. The medical superintendent shall be the chief executive officer of the asylum. He shall have the general superintendence of the building, grounds, and farm, together with the furniture, fixtures, and stock, and the direction and control of all persons therein, subject to the laws and regulations established by the managers; he shall daily ascertain the condition of all the patients, and prescribe their treatment in the manner directed in the by-laws; shall also have the nomination of his co-resident officers, with power to assign them their respective duties, subject to the by-laws; also to appoint, with the approval of the managers, such and so many assistants and attendants as he may think necessary and proper for the economical and efficient performance of the business of the asylum, and to prescribe their several duties and places, and to fix, with the approval of the managers, their compensation, and to discharge any of them at his sole discretion, but in every case of discharge he shall forthwith record the same with the reasons under an appropriate head in one of the books of the asylum; he shall also have the power to suspend until the next monthly meeting of the managers, for good and sufficient reason, a resident officer. He shall also from time to time give such orders and instructions as he may judge best calculated to ensure good conduct and economy in every department of labor and expense, and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the asylum. He shall further cause full and fair accounts and records of all his doings to be kept regularly from day to day in books provided for that purpose, in manner and to the extent prescribed in the by-laws, and he shall see that all such accounts and records are fully made up to the last day of September immediately preceding the meeting of the legislature, and that the principal facts and results with his report thereon be at that time presented to the

Medical superin-
tendent to be
chief executive
officer.

Powers and
duties of as such.

managers. The assistant physician shall perform the duties and be subject to the responsibilities of the medical superintendent in his sickness or absence.

Officers, etc., to
be exempt from
serving on juries.

SEC. 11. The officers of the asylum and all attendants and assistants actually employed therein, during the times of such employment, shall be exempt from serving on juries, from all assessments for labor on the highways, and in time of peace from all service in the militia, and the certificate of the superintendent shall be evidence of the fact of such employment.

Inspection of
asylum by
managers.

Note of date of
visits to be kept.

SEC. 12. The managers shall maintain an effective inspection of the asylum at the times and in the manner prescribed in the by-laws. In a book kept by the board of managers for this purpose, the visiting manager or managers shall note the date of each visit, the condition of the house, patients, etc., with remarks of commendation or censure, and all the managers present shall sign the same. The general result of these inspections, with suitable hints, shall be inserted in the annual reports, detailing the past year's operations and actual state of the asylum, which the board shall make to the legislature at each regular session thereof, accompanied with the reports of the medical superintendent and treasurer.

Annual report of

Board to have
access to all
parts of asylum
books, papers,
etc.

SEC. 13. It shall be the duty of the medical superintendent to admit any of the board of managers into every part of the asylum, and to exhibit to him or them on demand the books, papers, and accounts, and writings belonging to the institution or pertaining to its business management, discipline, or government, also to furnish copies, abstracts, and reports whenever required by the board.

Duties of
treasurer.

SEC. 14. The treasurer shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the asylum. Said moneys shall be disbursed only for the use of the asylum and in the manner prescribed in the by-laws, upon the written order of the medical superintendent countersigned by the president or resident member of the board of managers. He shall keep full and accurate accounts of the receipts and payments in the manner directed in the by-laws, and such other accounts as the board of managers shall prescribe. He shall further render an account of the same in his books, and of the funds and other property in his custody whenever required to do so by the board of managers.

Powers of.

SEC. 15. The treasurer of the asylum shall be vested with the same powers, rights, and authority which are now by law given to superintendents of the poor in any county or town of the State, so far as may be necessary for the indemnity or benefit of the asylum.

By whom pur-
chases to be
made, accounts
kept, etc.

SEC. 16. All purchases shall be made by the medical superintendent, or under his direction, and he shall preserve the original bills and receipts thereof, and keep accounts of the same and copies of all orders drawn by himself upon the treasurer. He shall also make contract with attendants and assistants, and keep and settle all their accounts. He shall also keep the accounts of the support of patients and expenses incurred in their behalf, and furnish the treasurer with copies of the same. He shall also be accountable for the careful keeping and economical use of all furniture, stores, and other articles provided for the asylum.

SEC. 17. The medical superintendent shall make in a book kept for that purpose, at the time of reception, a minute with date of same, of the name, residence, and official position of the person by whom and by whose authority each insane person is brought to the asylum, and have all the orders, warrants, requests, certificates of conviction, and other papers accompanying him forthwith filed.

Record of reception of inmates to be kept.

SEC. 18. When a person accused of the crime of murder, attempt at murder, rape, attempt at rape, highway robbery, or arson, shall have escaped indictment, or shall have been acquitted upon trial upon the ground of insanity, the court, being certified by the jury, or otherwise, of the fact, shall carefully inquire and ascertain whether his insanity in any degree continues, and if it does shall order such person into safe custody, and to be sent to one of the State asylums for the insane, or to the Michigan asylum for insane criminals, after the latter institution is opened for the reception of patients, at the discretion of the court.

Proceedings when persons have escaped indictment or been acquitted on grounds of insanity.

If any person in confinement, under indictment of [for] the crime of arson, or murder, or attempt at murder, rape, or attempt at rape, or highway robbery, shall appear to be insane, the judge of the circuit court of the county where he is confined shall institute a careful investigation; he shall call two or more respectable physicians, and other credible witnesses, and the prosecuting attorney to aid in the examination, and if it be deemed necessary to call a jury for that purpose, is fully empowered to compel the attendance of witnesses and jurors. If it is satisfactorily proved that such person is insane, said judge may discharge such person from imprisonment, and order his safe custody and removal to one of the State asylums, or to the Michigan asylum for insane criminals, after the latter institution is open for the reception of patients, at the discretion of such judge, where such person shall remain until restored to his right mind; and then if the said judge shall have so directed, the superintendent of the said asylum shall inform the said judge and prosecuting attorney so that the person so confined may, within sixty days thereafter, be remanded to prison and criminal proceedings be resumed, or otherwise discharged. If any such person be sent to either of said asylums, the county from which he is sent shall defray all expenses of such person while at the asylum for a period of two years, and the expense of returning home to such county, if his discharge is effected during such period; if he shall not be discharged from the said asylum until after his transfer to the State shall have been effected, under the provisions of a subsequent section, the expense of his return to said county shall be paid by the State of Michigan; the county or State may recover the amount so paid from the person's own estate, if he have any, or from any relative, town, city, or county that would have been bound by existing laws to provide for and maintain him elsewhere.

Proceedings when persons appear insane who are in confinement for certain crimes.

Investigation, etc.

Expenses of persons at asylum, by whom paid, etc.

SEC. 19. If any person in confinement, under indictment for the crime of arson, murder, attempt at murder, rape, attempt at rape, or highway robbery, shall appear to be insane, the judge of the circuit court in which such indictment is pending shall have power summarily to inquire into the sanity of such person, and for that

Idem.

purpose may appoint a commission to examine such person and inquire into the facts of his case and report them to the court; and if the said court shall find such person insane, without sufficient mental capacity to undertake his defense, it may in its discretion order the removal of such person to one of the State asylums, or the Michigan asylum for insane criminals, after the latter institution is open for the reception of patients, there to remain until restored to his right mind, when he shall be remanded to prison and criminal proceedings be resumed, or otherwise discharged according to law. The expense of such person's maintenance shall for a period of two years be defrayed by the county from which he came, and until his transfer to State expense shall have been effected as provided for in the next section.

Regulation of rates to be charged for patients.

When patient to be supported by State.
Certificate to be filed with secretary of State.

Computation of time in case of transfer.

Liability of persons, etc., for support at asylum.

When county to pay expenses.

County treasurer to pay same, etc.

Court may make order for reimbursement.

SEC. 20. The rate of charge per week, to be paid for the necessary treatment of all patients, shall be annually fixed by the board of managers of the asylum, and shall not exceed the actual cost of support and attendance, exclusive of officers' salaries. Two years' continuous residence in the asylum, at the expense of any county, shall entitle a patient to State support, and the medical superintendent shall, on the first day of January, April, July, and October of each year, certify to the secretary of State, the name, age, and residence of all patients under treatment, the expense of whose maintenance shall have been thus exclusively paid by any county for two years continuously, and such patients shall thereafter be maintained by the State. In case of the transfer to the Michigan asylum for insane criminals of patients, from either of the existing asylums, or from the northern asylum for the insane, who are or shall be under treatment at county expense, the length of time of such treatment shall be counted.

SEC. 21. Every insane person supported in the asylum shall be personally liable for his maintenance therein, and for all necessary expenses incurred by the institution in his behalf, and the guardian, relative, city, town, or county that would have been bound by law to provide for and support him, if he had not been sent to the asylum, shall be liable to pay the expenses of his clothing, and maintenance in the asylum, and actual necessary expenses to and from the same.

SEC. 22. The expense of clothing and maintaining in the Michigan asylum for insane criminals, a patient who has been received upon the order of any court, or officer, shall be paid by the county from which he was sent to the asylum, for a period of two years; likewise his actual necessary expenses to and from the same. The treasurer of the said county is authorized and directed to pay to the treasurer of the said asylum, the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws of the asylum, upon the order of the medical superintendent; and the supervisors of said county shall annually levy and raise the amount of such bill, and such further sum as will probably cover all similar bills for one year in advance. Said county, however, shall have the right to require any individual, town, or

city that is legally liable for the support of such patient, to reimburse the amount of said bills with interest.

SEC. 23. Every town, or county, paying for the support of an insane person, in the said asylum, or for his expenses in going to and from the same, shall have the like rights and remedies to recover the amount of such payment, with interest from the time of paying each bill, as if such expenses had been incurred for the support of the same at other places under existing laws.

Town or county may recover for amounts paid, etc.

SEC. 24. In case any county in this State shall neglect or refuse to pay the amount due said asylum, for the treatment and maintenance of persons admitted from such county, in accordance with the provisions of this act, it shall be the duty of the medical superintendent to make out a statement of the facts, giving the number of persons, name of each, and number of weeks' treatment and maintenance for which payment is due, and the amount of the same, to be verified upon his oath, a copy of which he shall send to the clerk of the county from which such money is due, and if the same shall not be paid within sixty days after giving such notice to the said county clerk, he shall transmit the statement to the auditor general, who shall draw his warrant upon the State treasurer for the amount, together with the interest thereon, to be computed to the time the same became due the asylum, and charge the same back to the said county, to be assessed, collected, and returned with, and in the same manner that other State taxes are assessed, collected, and returned.

When county neglects or refuses to pay, etc.

SEC. 25. The medical superintendent of the said asylum shall report, quarterly, to the secretary of the board of corrections and charities, the name of all persons supported at State or county charge, also the date and circumstances attending the discharge, removal, elopement, or death of all insane persons receiving aid or support at county or State charge.

Superintendent to make quarterly report.

SEC. 26. When the Michigan asylum for insane criminals is opened for the reception of patients, the medical superintendents of the Michigan asylum for the insane, and the eastern Michigan asylum, and the wardens of the State prison at Jackson, and house of correction at Ionia, and the superintendent of the Detroit house of correction, shall, with the consent of the board of trustees, or board of inspectors, or managers of their respective institutions, proceed to transfer to the said asylum for insane criminals, all insane criminals, or discharged convict insane, found in such institutions. The expense of the maintenance of such patients shall, from the date of their transfer, be chargeable to the State of Michigan, likewise the expense attending said transfer.

Transfer of insane criminals to asylum when opened.

Expense of maintenance.

SEC. 27. Whenever the physician of [to] the State prison, or the physicians to either of the houses of correction of this State, shall certify to any warden, or other officer in charge, that any convict therein is insane, it shall be the duty of the said warden, or other officer in charge, to make immediately a full examination into the condition of such convict, and if fully satisfied that he is insane, the said warden, or other officer in charge where said convict is confined, shall forthwith cause such convict to be transferred to the

Subsequent transfers of insane criminals.

Michigan asylum for insane criminals after such institution shall be opened for the reception of patients, and to deliver him to the medical superintendent thereof, who is hereby required to receive him into said asylum, and retain him there until legally discharged.

Expense of maintenance, etc. The expense of such insane convict's maintenance, in the Michigan asylum for insane criminals, shall be charged to the State of Michigan, likewise the expense attending his transfer.

Transfers from insane asylums of certain persons. SEC. 28. The medical superintendents of either of the asylums for the insane in Michigan may, with the consent of their respective boards of trustees, make application to the board of corrections and charities for an order for the transfer of any or all criminal insane persons under treatment in either of said asylums, who have been guilty of an act of homicide previous to admission to the asylum, and whose presence is dangerous to others; likewise all insane persons who have committed any act of homicide while under treatment in either of the asylums, and the board of corrections and charities shall investigate all the facts and report to the governor, who may, in his discretion, order the transfer of such person or persons to the Michigan asylum for insane criminals after such institution shall be opened for the reception of patients.

Expense of maintenance, etc. The expense of the maintenance of such person or persons after such transfer shall be chargeable to the State of Michigan. In case any patient under treatment in either of the State asylums shall at any future time after the organization of the Michigan asylum for insane criminals, commit any act of homicide, or develop unmistakable homicidal tendencies, rendering his presence a source of danger to others, proceedings may be instituted as above. If the transfer of such patient shall be effected the expense of his maintenance from the date of transfer shall be chargeable to the State of Michigan.

Retention of insane convicts after expiration of sentence, etc. SEC. 29. In case the insanity of any convict shall continue after the expiration of his sentence he shall be retained in said asylum until adjudged by the medical superintendent and board of corrections and charities a fit subject to be discharged. Whenever any convict who shall have been confined in said asylum as a lunatic shall have become restored to reason, and the medical superintendent of said asylum shall so certify in writing, he shall be forthwith transferred to the house of correction, prison, or reformatory from whence he came, and the agent or warden of said prison or reformatory shall receive the said convict into said prison, house of correction, or reformatory. Any convict whose sentence has expired and who is still insane, may be delivered to his relatives or friends who will undertake, with good sureties to be approved by the board of managers, for his peaceful behavior, safe custody, and comfortable maintenance without further public charge.

When insane convicts may be delivered to friends, etc. SEC. 30. The bills for the maintenance, clothing, and other charges of all State patients shall be rendered quarterly to the auditor general, in the same manner as bills are rendered to county treasurers for the support of patients at county charge, and shall be paid by the State treasurer to the treasurer of the asylum, on the warrant of the auditor general, out of any moneys belonging to the general fund.

Rendering of bills to auditor general.

SEC. 31. All acts or parts of acts contravening the provisions of this act are hereby repealed. Acts repealed.

Approved June 8, 1883.

[No. 191.]

AN ACT to amend act number two hundred and fifty-nine, of the session laws of eighteen hundred and eighty-one, entitled "An act to regulate the sale of spirituous, malt, brewed, fermented, and vinous liquors; to prohibit the sale of such liquors to minors, to intoxicated persons, and to persons in the habit of getting intoxicated; to provide a remedy against persons selling liquors to husbands or children in certain cases, and to repeal all acts or parts of acts inconsistent herewith," by adding thereto a new section to stand as section sixteen.

SECTION 1. *The People of the State of Michigan enact,* That act number two hundred and fifty-nine, of the session laws of eighteen hundred and eighty-one, entitled "An act to regulate the sale of spirituous, malt, brewed, fermented, and vinous [liquors]; to prohibit the sale of such liquors to minors, to intoxicated persons, and to persons in the habit of getting intoxicated; to provide a remedy against persons selling liquors to husbands or children in certain cases, and to repeal all acts or parts of acts inconsistent herewith," be amended by adding thereto a new section to stand as section sixteen, and read as follows: Section added.

SEC. 16. Every wife, child, parent, guardian, husband, or other person who shall be injured in person or property or means of support by any intoxicated person, or by reason of the intoxication of any person, or by reason of the selling, giving, or furnishing any spirituous, intoxicating, fermented, or malt liquors to any person shall have a right of action in his or her own name against any person or persons who shall, by selling or giving any intoxicating or malt liquor, have caused or contributed to the intoxication of such person or persons, or who have caused or contributed to such injury, and the principal and sureties to the bond hereinbefore mentioned shall be liable severally and jointly with the person or persons so selling, giving, or furnishing any spirituous, intoxicating; or malt liquors as aforesaid, and in any action provided for in this section, the plaintiff shall have a right to recover actual and exemplary damages. And in every action by any wife, husband, parent, or child, general reputation of the relation of husband and wife, parent and child, shall be *prima facie* evidence of such relation, and the amount recovered by every wife or child shall be his or her sole and separate property. Any sale or gift of intoxicating or malt liquors by the lessee or occupant of any premises, resulting in damages, shall at the option of the lessor, work as forfeiture of the lease, and the circuit court in chancery may enjoin the sale, giving away, or furnishing of any intoxicating or malt liquors, by any lessee or occupant of the prem- Certain persons to have right of action for injuries caused by sale etc., of liquor, etc.

Liability of bondsmen.

General reputation to be prima facie evidence.

Sale to work forfeitures of lease in certain cases, etc.

ises which may result in loss or damage, or liability to the lessor, or any person claiming under such lessor.

Approved June 8, 1883.

[No. 192.]

AN AOT relating to coöperative corporations or associations organized under chapter ninety-four, of the compiled laws of eighteen hundred and seventy-one, and repealing all acts and parts of acts inconsistent herewith.

Corporation, etc.,
to be licensed by
commissioner of
insurance.

SECTION 1. *The People of the State of Michigan enact*, That any corporation or association organized, or that may hereafter be organized under chapter ninety-four, of the compiled laws of one thousand eight hundred and seventy-one, to insure lives on the assessment plan, or any corporation or association carrying on the business of life or accident insurance on the assessment plan, shall be licensed by the commissioner of insurance, on complying with act, and upon payment to him, for the benefit of the State, a fee of ten dollars: *Provided*, Such corporation or association shall first deposit with the commissioner of insurance, a certified copy of its charter or articles of incorporation, a copy of its statement of business for the preceding year, in case it was organized and doing business the preceding year, sworn to by the president and secretary, or like officers, showing an itemized statement of all receipts and expenditures upon blanks to be prepared and furnished by the commissioner of insurance, together with such other information as may be necessary for a full exhibit of the condition of such corporation or association, and a copy of its policy or certificate of membership: *Provided*, Such corporation or association shall only issue certificates or policies payable to the husband, wife, family, heirs, creditors, or assigns of any member: *Provided further*, In case of assignment of said policy to secure creditors, such assignment shall convey only such interest in said policy as will be equal to the amount of the debt, to secure which such assignment is made.

Proviso in refer-
ence to deposit of
papers with com-
missioner, etc.

Proviso.

Certificate of
authority.

SEC. 2. Upon complying with the provisions of section one of this act, the commissioner of insurance shall issue to such corporation or association, so complying, a certificate of authority to do business in this State.

Annual report to
commissioner.

SEC. 3. After any such corporation or association shall have been licensed to do business in this State, it shall make annually, March first, to the commissioner of insurance, on blanks furnished by him, the same detailed statement as is provided for in section one of this act, and shall pay, on filing such statement, a fee of five dollars for the use of the State.

When commis-
sioner may re-
voke authority.

SEC. 4. Whenever the commissioner of insurance of this State shall have good reason to doubt the solvency of any such corporation or association, he may, at the expense of such corporation or association, cause an examination of its books and papers to be made, and if such examination establishes the fact that such cor-

poration or association is unable to carry out its contracts with its members, in good faith, or is transacting its business fraudulently, he may revoke the authority of such corporation or association, and prohibit it from doing business.

SEC. 5. Any such corporation or association, now doing business in this State, that shall refuse or neglect to comply with the provisions of this act, after a period of sixty days after it takes effect, shall be deemed and held to be doing a business unlawfully, and if any officer, agent, or employé of any such corporation or association shall do business, or assist in, or knowingly permit the same in violation of the provisions of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars, or be imprisoned in the county jail not more than ninety days, or both, in the discretion of the court:

Penalty for refusal or neglect, etc.

Provided, This act shall not be construed so as to apply in any way to secret or fraternal societies, lodges, or councils now doing business in this State, which are under the supervision of a grand or supreme body, and secure members through the lodge system exclusively, and pay no commission, nor employ any paid agents.

Proviso.

SEC. 6. The articles of association, or any part or section thereof of any corporation organized under chapter ninety-four, compiled laws of eighteen hundred and seventy-one, and acts amendatory thereof, may be amended at any regular or special meeting of such corporation, in the following manner:

Amendment of articles of association.

First, Notice of the meeting, and the nature of the amendment, shall be given by mailing to each member, to their last known address, a notice thereof, at least fifteen days before such meeting;

Second, Such proposed amendment shall be submitted in writing to the members at such meeting, and shall be approved by two-thirds of the members voting upon such amendment;

Third, A copy of such amendment, so approved as aforesaid, certified by the president and secretary, or other like officers, and under the seal of such corporation, shall thereupon be filed in the office of the secretary of State, and in the office of the county clerk, in the county in which the principal office of such corporation is located, and upon such filing the same shall become operative, and constitute the whole or part of the articles of association of such corporation, as the case may be.

SEC. 7. All acts or parts of acts inconsistent with this act are hereby repealed.

Acts repealed.

Ordered to take immediate effect.

Approved June 8, 1883.

[No. 193.]

AN ACT to prevent debtors from giving preference to creditors, and to secure the equal distribution of the property of debtors among their creditors, and for the release of debts against debtors.

SECTION 1. *The People of the State of Michigan enact, That*

Debtors may make assignment for benefit of all creditors after levy by officer, etc.

Attachments, levy, etc., dissolved upon appointment of receiver, etc.

Proviso.

When insolvent debtor does any act to prefer any creditor receiver may be appointed, etc.

whenever the property of any debtor is attached or levied upon by any officer, by virtue of any writ or process issued out of a court of record of this State, in favor of any creditor or garnishment made against any debtor, such debtor may, within ten days after the levying of such attachment, process, or garnishment shall have been made, make an assignment of all his property and estate not exempt by law, for the equal benefit of all his creditors in proportion to their respective valid claims, who shall file releases of their debts and claims against such creditors as hereinafter provided, which assignment shall be made in accordance with and be governed by the laws of the State of Michigan, relating to assignments made by debtors, except as herein provided, and upon the making of such assignment, all attachments, levy, or garnishment so made shall be dissolved upon the appointment and qualification of an assignee or receiver, and thereupon the officers shall deliver the property attached or levied upon to such assignee or receiver, unless the assignee shall, within five days after such assignment, file in the office of the clerk of the court where such attachment was issued or judgment rendered, a notice of his intention to retain such attachment, levy, or garnishment, in which case any such attachment, levy, or garnishment shall inure to the benefit of all the said creditors, and may be enforced by the assignee by his substitution in the action as such in the same manner as the plaintiff might have enforced the same had such assignment not been made: *Provided, however,* That this section shall not apply to cases where an execution has been issued upon a judgment in an action where the declaration has been filed in the office of the clerk of the court twenty days prior to the entry of the judgment.

SEC. 2. When any debtor, being insolvent, shall confess judgment, or do any act or make any conveyance whereby any one of his creditors shall obtain a preference over any other of his creditors, or shall omit to do any act which he might lawfully do to prevent any one of his creditors from obtaining preference over his other creditors, contrary to the intent of this act, or if he shall not, within ten days after any levy by attachment, execution, or garnishment made against him, make an assignment of all his property, as provided in section one of this act, or within such time, in good faith, institute proceedings to vacate the attachment and execution or garnishment, or secure a release of such levy and defend against the said garnishment at the first opportunity, then, or within sixty days thereafter, any two or more of his creditors, holding and owning debts or claims of not less than two hundred dollars in the aggregate amount, may make a petition to the circuit court, or a judge thereof, setting forth therein such matters and facts as may be pertinent, which petition may be heard in any county, in the discretion of the judge, and after notice given in pursuance of the order of the court, and in such manner as the court may direct, to the debtor and creditors sought to be preferred, of the time and place of hearing, the court in the term time, or [a] judge in vacation, shall proceed summarily upon such petition, to hear the parties and receive such evidence as may be proper, and if it shall appear to the

court or judge that the debtor is insolvent, or has been giving or is about to give a preference to any of his creditors over other of his creditors or any of them, or has refused or neglected to make an assignment of his property as herein provided, the court or judge shall appoint a receiver who shall take possession of all the debtor's property, evidences of property or indebtedness, books, papers, debts, choses in action, and estates of every kind of the debtor, including property attached or levied upon or garnished in the manner and subject to the limitations herein provided, and of all property conveyed in violation of the provisions of this act, and have charge and control of the same and of all debts or property garnished, except property exempt by law, and shall within four months of the time of his appointment, unless the court or judge otherwise directs and allows further time, convert the same into money, and shall marshal and distribute the same among the several creditors, in proportion to their several claims, who shall file releases of all claims against the insolvent debtor in consideration of the benefit of the provisions of this act, as hereinafter provided, whether their claims are due or to become due, and who shall come in and prove their respective claims within such time and in such manner as the court or judge shall direct, and the court or judge shall order the debtor to file a schedule of his debts, and to whom they are due or payable, and of his property, including all notes, accounts, and bills payable to him, and the proof, and the payments of dividends in all proceedings shall be had under the provisions of the laws of this State relating to receivers, and the court or judge may order and direct such debtor to do whatsoever is necessary and proper to carry this act into effect.

Powers and duties of receiver.

Distribution of assets and release of claims, etc.

Filing of schedule of debts, etc.

SEC. 3. No assignment hereafter made, for the benefit of such creditors, shall give to any one creditor a preference over the claims of another creditor, except in cases expressly provided by law. If any insolvent debtor shall confess, or suffer judgment to be procured in any court, with intent that any one of his creditors shall obtain a preference over any other of his creditors, such insolvent debtor shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding five hundred dollars; and in default of payment, shall be imprisoned in the county jail for a period not exceeding six months. The court may, at any time, upon the filing of affidavits, or other evidence satisfactory to the court, grant an order restraining such debtor from collecting any bills, notes, accounts, or other property, or from disposing of, or in any manner interfering with the property of said estate, or may, by writ of *ne exeat*, or by order, restrain said debtor from leaving the State, until the further order of the court, or may require him, at any time, to appear and make full disclosures as to any disposition of property, or in relation to any other matter pertaining to said estate.

No assignment to give one creditor preference over another, etc.

When court may restrain collection of bills, notes, etc., and issue writ of *ne exeat*.

SEC. 4. Conveyances and payments made, and securities given by any insolvent debtor, or a debtor in contemplation of insolvency, within four months of making an assignment, as provided in section one of this act, with a view of giving a preference to any

Certain conveyances, etc., shall be void.

creditor, upon a pre-existing debt, or to any persons under liability for such debtor over another, shall be void as to all creditors or persons receiving the same, who shall have reasonable cause to believe that such debtor was insolvent, and all such conveyances made, and securities given, at any time, unaccompanied with a delivery, or change of possession of the property to the grantee, unless the instrument containing the grant, or conveyance shall have been duly filed, or docketed, before the commencement of such sixty days, shall be void, as a preference, as to any creditor; and they may, by action, or other proper proceedings, have all such conveyances, payments, and preferences annulled and adjudged void, and recover the property so conveyed, or the value thereof, and recover the payment so made, and convert all the proceeds into money, as provided in this act: *Provided*, That the provisions of this act shall not apply to any payment or satisfaction, in whole or in part, of a past-due debt made in the usual course of business, without any intent on the part of the creditor to evade the provisions of this act.

Provide.

Where actions and proceedings commenced.

SEC. 5. All actions or proceedings, brought under the provisions of this act, shall be commenced in the county where the debtor, debtors, or any of them resides, if a resident of this State, and if not a resident of this State, such action, or proceeding, may be brought in any county which the plaintiff shall designate in his complaint, or where such debtor, or debtors, or any of them has property, subject to attachment or levy. The court or judge may, at any time during the pendency of the petition, under the second section of this act, allow new parties to come in and be joined in such petition, and such petition shall not be dismissed until after the expiration of twenty days from the time of notice by mail to each creditor, or by personal service upon each of such creditors.

New parties may be joined, etc.

Costs.

SEC. 6. Costs in cases upon which attachments or levies are made, which are dissolved under the provisions of this act, and a reasonable fee, not exceeding twenty-five dollars, in the discretion of the court, to an attorney for creditors petitioning under this act, shall be preferred, and be paid first by the receiver appointed hereunder.

Actions, etc., in name of assignee or receiver.

SEC. 7. All actions and proceedings, to be commenced under the provisions of this act, may be commenced and prosecuted in the name of the assignee, or receiver appointed as herein provided, and laws of the State, of a general nature, applicable to receivers and assignments, and not in conflict with the provisions of this act, shall apply to assignees and receivers appointed hereunder as the case may require.

Appeal on disallowance of claims.

SEC. 8. Any creditor whose claim is disallowed, in whole, or in part, by any assignee or receiver, appointed or selected under this act, or under the provisions of the assignment laws of this State, regarding the assignment of debtors, may appeal from such disallowance to the circuit court, and there have such claims tried as other civil actions. The assignee shall, within ten days after his disallowance of any claim, in whole, or in part, give written notice to such creditor of such disallowance, which notice may be served

Notice of disallowance to creditor.

personally, or by mail, as in other cases, on such creditor, his agent, or attorney, and thereupon such creditor may appeal from such disallowance within ten days after the service upon him of such notice of disallowance made by the assignee, and which notice may be served on such assignee personally, or by mail, as aforesaid; and in case such service is by mail, the time within which such notice of appeal is to be given shall be within twenty days from the time of such notice of disallowance.

SEC. 9. In case of the death of any assignee or receiver, the court may appoint another to fill the vacancy, and the court may, for any proper cause, remove such assignee or receiver, and appoint another in his stead, and the court shall order such removal upon the vote of two-thirds in number and amount of the creditors.

When new receiver, etc., may be appointed.

SEC. 10. No creditor of any insolvent debtor shall receive any benefit under the provisions of this act, or any payment of any share of the proceeds of the debtor's estate, unless he shall have first filed with the clerk of the circuit court, in consideration of the benefits of the provisions of this act, a release to the debtor of all claims other than such as may be paid under the provisions of this act, for the benefit of such debtor, and thereupon the court or judge may direct that judgment be entered, discharging such debtor from all claims or debts held by creditors, who shall have filed releases: *Provided, however,* That when any creditor of such insolvent debtor who has made such assignment of his property, or of whose property a receiver has been appointed as provided in this act, alleges by complaint made to the judge before the time for the distribution of the insolvent's assets among his creditors as herein provided, that such insolvent debtor has fraudulently concealed, or fraudulently incumbered or disposed of any of his property, or fraudulently incurred any apparent indebtedness or confessed any judgment, with the intent to cheat and defraud his creditors, or that he has fraudulently or in contemplation of insolvency incurred any of his indebtedness, such judge may allow the insolvent debtor to appear before him, at a time and place to be designated by such judge, and after giving such complaining creditor notice of the time and place of hearing, in such manner as the judge may direct, the judge may proceed upon such complaint summarily, without the allegations therein being controverted or denied, and may hear such legal evidence as he may deem pertinent, relating to such fraudulent concealment, incumbrance or disposal of said debtor's property, or fraudulent indebtedness, as alleged in said creditor's complaint, and after said hearing said judge may, in his discretion, order or direct that all of said debtor's property and assets, not exempt by law, be distributed among his creditors, as hereinbefore provided, upon their filing such releases, or without their filing releases as aforesaid. And creditors may be examined in like manner, in respect to the validity of their debts. In case the circuit judge shall find the allegations of such complaining creditor to be true, he shall order and direct that all or said debtor's property and assets not exempt by law, be distributed among his creditors, as hereinbefore provided, without their filing releases as aforesaid.

Creditors to file release, etc.

Proviso in reference to fraudulent concealment, etc., of property by debtor.

Notice to be
given by receiver
to creditors, etc.

SEC. 11. Such assignee or receiver shall, within ten days after his appointment, publish a notice in a daily or weekly newspaper published in the county where the debtor, or debtors, or any of them, may reside, if any is there published, and by sending notices through the mail to such creditors whose residences are known to the assignee or receiver, of his appointment, and all creditors claiming to obtain the benefits of this act shall file with such assignee or receiver of their claims, within twenty days after such publication.

Certain claims
to be preferred.

SEC. 12. After the payment of costs, as herein provided, debts due the United States, the State of Michigan, all taxes or assessments levied and unpaid, expenses of the assignment and executing the trust, the assignee or receiver shall pay in full; if sufficient then remains for that purpose, the claims, duly proven, of all servants, clerks, or laborers, for personal services or wages owing from said debtor, for services performed for the three months preceding said assignment, not exceeding fifty dollars in each case, and the balance of said estate shall then be equally distributed among the general creditors thereof under the direction of the court.

Distribution of
balance.

Approved June 8, 1883.

[No. 194.]

AN ACT to authorize the employment of additional clerks in the insurance bureau during a portion of the year.

Employment of
additional help
authorized.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the commissioner of insurance to employ such number of additional clerks in the insurance bureau during the months of January, February, and March as are necessary to perform the work in said office, in each year, at salaries not exceeding the rate of one thousand dollars per year for each clerk so employed, and the compensation of said clerks shall be paid monthly by the State treasurer upon the certificate of the commissioner of insurance.

Approved June 8, 1883.

[No. 195.]

AN ACT to amend section nineteen of act number one hundred and forty-four, approved April twenty-fourth, eighteen hundred and seventy-three, being an act entitled "An act to amend section fifteen of an act entitled 'An act to establish a State public school for dependent and neglected children,' approved April seventeenth, eighteen hundred and seventy-one, and to add four new sections thereto, to be known as sections sixteen, seventeen, eighteen, and nineteen," and section fifteen of an act entitled "An act to amend sections ten, thirteen, fifteen, seventeen, and twenty of an act entitled 'An act to establish a State public school for dependent and neglected children,' approved April seventeenth,

eighteen hundred and seventy-one, as amended by act number one hundred and forty-four of the session laws of eighteen hundred and seventy-three, act number fifty-eight of the session laws of eighteen hundred and seventy-five, and act number one hundred and forty-five of the session laws of eighteen hundred and seventy-seven," approved April sixteen, eighteen hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section nineteen of act number one hundred and forty-four, approved April twenty-fourth, eighteen hundred and seventy-three, being an act entitled "An act to amend section fifteen of an act entitled 'An act to establish a State public school for dependent and neglected children,' approved April seventeenth, eighteen hundred and seventy-one, and to add four new sections thereto, to be known as sections sixteen, seventeen, eighteen, and nineteen, and section fifteen of an act entitled 'An act to amend sections ten, thirteen, fifteen, seventeen, and twenty of an act entitled 'An act to establish a State public school for dependent and neglected children,' approved April seventeen, eighteen hundred and seventy-one, as amended by act number one hundred and forty-four of the session laws of eighteen hundred and seventy-three, act number fifty-eight of the session laws of eighteen hundred and seventy-five, and act number one hundred and forty-five of the session laws of eighteen hundred and seventy-seven," approved April sixteen, eighteen hundred and eighty-one, be amended so as to read as follows:

SEC. 19. The said board of control is authorized to designate some officer, teacher, or other employé connected with said school to be the agent thereof, who shall be known as the agent of the State public school, and who shall act in that capacity during the pleasure of said board. That his duties as such agent shall be prescribed by said board, and shall include visiting, at such times as said board shall direct, the wards of said board which have been placed in families, and reporting to said board the condition of such children, and any failures to comply with the terms of the indenture contracts; and [that] it shall also be his duty to find suitable homes for the children of this school, to investigate applications for such children, and to enter into contracts, in writing, on behalf of said board, with persons taking such children; such contracts to contain a clause reserving to said board the right to cancel the same when, in the opinion of said board, the interest of the child requires it, and may also contain a clause authorizing the person taking the child to cancel the same any time within sixty days from the date of the contract, on returning said child to said school free of all expenses; that the authority herein given said agent is also hereby conferred upon the superintendent of said school; that the salary and necessary traveling expenses of said agent shall be first examined and allowed by said board, and shall then be audited by the board of State auditors, and paid from the general fund. Board of control to designate agent. Duties of agent. Salary and expenses of agent.

SEC. 2. That section fifteen is hereby amended so as to read as follows: Section amended.

Children to be
divided pro rata
among the
counties.

When superin-
tendents of poor
to send children
to school.

Where distinc-
tion between
township and
county poor is
maintained.

How expense of
transportation
paid.

SEC. 15. Whenever inquired of by the superintendents of the poor of any county, and whenever there is room for one or more children in said school from any county, it shall be the duty of the superintendent of said school to notify the superintendents of the poor of such county how many children they can send to said school. That whenever there are more admissible children in the several counties than [that] can be received in said school, it shall be the duty of the superintendent of said school to divide such admissions *pro rata* among the counties according to the number of dependent children in each, at the time of such admission, giving preference to counties of the same or larger population, that have had less admitted into said school. That whenever the superintendents of the poor of any county shall be informed by the superintendent of said school that any dependent children from their county can be admitted into said school, it shall be their duty to forward them to said school, as provided in this act, as soon as practicable. In those counties in which the distinction between township and county poor is maintained, it shall be the duty of the superintendents of the poor of such counties, on the written request of the supervisor of any such township, to act for such township in securing the admission of dependent children to this school, in all respects as though such children were supported by the county. That the expense of transportation of children to said school, pursuant to law, and the expenses [expense] of returning any of said children to their counties, after their admission by said board of control, as improper inmates of said school, shall be audited by the board of State auditors and paid from the general fund.

Ordered to take immediate effect.

Approved June 8, 1883.

[.No. 196.]

AN ACT making appropriations for the expenses of the State officers and State government, for the years eighteen hundred and eighty-three and eighteen hundred and eighty-four, and to provide a tax for the payment of the same.

Appropriation
made.

SECTION 1. *The People of the State of Michigan enact*, That there shall be levied upon the aggregate of taxable real and personal estate of the State, in the year eighteen hundred and eighty-three, the sum of six hundred and ten thousand nine hundred and seventy-five dollars and ninety-two cents (\$610,975.92), and in the year eighteen hundred and eighty-four, the sum of four hundred and fifty-five thousand five hundred and fifty dollars (\$455,550.00), to be raised by tax, and the same is hereby appropriated for the payment of the salaries of the State officers and other expenses of the State government for the aforesaid years which are not otherwise provided for.

SEC. 2. The auditor general shall apportion each year the amounts herein directed to be raised among the several counties of this State, as provided by law for the apportionment of State taxes.

Apportionment
by auditor
general.

Ordered to take immediate effect.

Approved June 8, 1883.

[No. 197.]

AN ACT to provide for the disposition of certain lands granted to the State of Michigan, for railroad purposes, by acts of congress of June three, eighteen hundred and fifty-six, and March four, eighteen hundred and seventy-nine, upon the route from Grand Haven to Flint, and thence to Port Huron, in the State of Michigan, to secure the title thereto to *bona fide* settlers and purchasers, to provide for the further sale thereof, and to provide for the adjustment of certain taxes heretofore assessed thereon.

SECTION 1. *The People of the State of Michigan enact*, That so much of the lands granted to the State of Michigan by acts of Congress of June three, eighteen hundred and fifty-six, and March four, eighteen hundred and seventy-nine, upon the route from Grand Haven to Flint, and thence to Port Huron, extending from Grand Haven to Flint, as in said acts designated, as have been purchased in good faith from Augustus D. Griswold, or his grantees, previous to the nineteenth day of January, eighteen hundred and seventy-six, William R. Bowes, as trustee of the Port Huron and Lake Michigan railroad company, or his successor, or of Amos Gould, or of either of their grantees, previous to the twenty-ninth day of January, in the year of our Lord eighteen hundred and eighty-one, shall have patents issued to them respectively for such lands: *Provided*, That the same shall be in one body, and not in detached parcels, and shall not exceed one hundred and sixty acres: *And provided further*, That such claimant, or his grantors, shall have been in actual and continued possession of such lands, and shall have resided thereon since January one, eighteen hundred and eighty-one, and shall have made valuable improvements thereon: *And provided further*, That any number of acres received by such person, or his grantors, by virtue of act number two hundred and seventy-five of the legislature of the State of Michigan, of eighteen hundred and eighty-one, approved June eleventh, eighteen hundred and eighty-one, shall be deducted from the number of acres to be received by virtue of this section.

Authorizing the
issuing of pat-
ents for certain
lands heretofore
purchased, etc.

Proviso.

Further proviso.
in reference to
possession.

Further proviso.

SEC. 2. Proofs of such purchase shall be made to the commissioner of the State land office, by the production of conveyances, printed or written contracts, or duly certified copies thereof, if the same shall have been recorded, or in case of loss, without record, by at least two disinterested witnesses, satisfactory to said commissioner of the State land office, of such loss, or of the existence of such conveyance, or contract, previous to the dates mentioned in

Proofs of pur-
chase to be made
to commissioner
of the State
land office.

section one. Proof of such actual and continued possession and improvements by such claimant, or his grantors, shall also be made to said commissioner of the State land office, by at least two disinterested witnesses, and said commissioner of the State land office, in his discretion, may require the personal attendance of such witnesses, or receive sworn statements of such facts.

Further provision for issuing of patents.

SEC. 3. Any person who shall have purchased in good faith, by deed or contract, any of said lands, of the said Augustus D. Griswold, William R. Bowes, trustee, or his successor, or Amos Gould, or of the grantees of either of them, previous to the twenty-ninth day of January, in the year of our Lord eighteen hundred and eighty-one, shall have patent issued to them for the lands described by their respective purchases, but not to exceed one hundred and sixty acres. The proofs to be made under this section shall be by the production of the original instrument, or of a certified copy of the record thereof: *Provided*, That no deed of purchase from Amos Gould shall be received or admitted under this section, by said commissioner of the State land office, unless the same shall have been properly recorded in the office of the register of deeds of the county where any of the lands in such conveyance described are situated, previous to the first day of March, in the year of our Lord eighteen hundred and eighty-two, unless such evidence of purchase be by land contract, proved by at least three witnesses, to have been executed and delivered before January first, eighteen hundred and eighty-one:

Proofs to be made.

Proviso.

Further proviso.

And provided further, That the party holding, by deed or contract, all three of the titles known as the Griswold, Bowes, and Gould titles, as specified in this act, to any of these lands, shall be entitled to prove the same, and receive patent therefor, as aforesaid: *And*

Further proviso.

provided further, That any person holding the first mentioned two of such titles shall have preference over the holder of any one title, by deed or contract, and shall be entitled to prove the same, and receive patent therefor as aforesaid; and in case any of said land is claimed by different parties deriving their respective titles from the said Griswold, Bowes, or Gould, or all, or any two of them, then patents shall issue as provided in this act, to said parties as joint owners: *And provided further*, That no claim under this section shall be allowed where the same shall conflict with the claims of actual settlers, as provided in the preceding sections:

Further proviso.

Further proviso.

And provided further, That any person who has resided upon any of these lands provided for in this section, previous to the first day of January, in the year of our Lord eighteen hundred and eighty-three, and has made valuable improvements thereon, and has continued in such possession since said first day of January, in the year of our Lord eighteen hundred and eighty-three, may make proof of such residence and improvements, as provided for in section two of this act, within three months after this act shall take effect, and pay into the State treasury for the benefit of the purchaser entitled to such land under the provisions of this section, as hereinbefore provided; or in case of there being no such purchaser entitled thereto, then for the benefit of the State, the sum of one dollar and twenty-five cents

per acre therefor, whereupon said commissioner of the State land office shall issue patent for such land, to such resident, but for no larger quantity, to any one claimant, than one hundred and sixty acres.

SEC. 4. All claims made by virtue of sections one and three of this act shall be made within six months after this act shall take effect, and not afterwards: *Provided*, That the commissioner of the State land office may extend the time to determine contested cases for thirty days.

When claims to be made.

Proviso.

SEC. 5. All lands embraced within the provisions of this act and not disposed of at the expiration of seven months from the date this act shall take effect, shall be offered for sale at public auction by the commissioner of the State land office at the minimum price of one dollar and twenty-five cents per acre.

Residue of lands to be offered for sale.

SEC. 6. Such public auction shall be at the place of holding the circuit court in the county where said land is situated respectively, within ninety days after the time fixed for purchasers and settlers to file claims as provided in the foregoing sections. The said commissioner shall give at least three weeks' notice of such sale by publishing a notice thereof in at least one and not more than two newspapers published in such county, stating the time and place such sale is to commence, and the descriptions of the lands to be offered in and for sale in such county.

When sale to be made.

Notice of to be given.

SEC. 7. At the expiration of the time provided for in the preceding sections, the commissioner of the State land office shall fix and establish the minimum price of such lands, then remaining unsold, at fifty cents per acre, which price shall thereafter be and remain the minimum price of said lands.

Minimum price of residue of lands.

SEC. 8. The proceeds of all sales provided for in this act shall be paid into the State treasury.

SEC. 9. Any person applying for any of the lands under the provisions of this act, excepting those claiming under the last proviso of section three of this act, shall pay to the State treasurer the sum of ten cents per acre, and all taxes assessed upon the same since the date of his or his grantor's purchase of the same from either of the original parties mentioned in section one of this act as returned by the township treasurer of the respective townships where the same are situated, but without interest or other charges, and all taxes, except as provided in this section, which have been paid to the State treasurer by any person who has received patents for any of said lands under the provisions of act number two hundred and seventy-five of the legislature of the State of Michigan of eighteen hundred and eighty-one, approved June eleven, eighteen hundred and eighty-one, shall be refunded to such person or to his heirs or assigns by the said State treasurer, and be paid out of the general fund in the State treasury from any moneys in said fund not otherwise appropriated.

Taxes, etc., to be paid by applicants in certain cases, etc.

SEC. 10. The auditor general of the State of Michigan shall adjust the amounts due claimants under the provisions of this act, and shall draw his warrant upon the State treasurer for such amount in favor of the person entitled to the same, within three

Amounts due to be adjusted by auditor general.

Taxes, etc.,
cancelled.

Amount to be
credited to cer-
tain counties.

months after application shall be made therefor by the person entitled thereto; and all the balance of the taxes heretofore assessed upon the lands granted to the State of Michigan and lying within the counties of Ottawa and Muskegon upon the route extending from Grand Haven to Owosso and thence to Flint, as described in this act, and returned by the county treasurers of said counties of Muskegon and Ottawa, to the auditor general as delinquent and unpaid, and all interest and charges since accrued thereon are hereby cancelled, and the auditor general is hereby directed to credit said counties of Muskegon and Ottawa, respectively, with the amount thereof in all cases where the same has been heretofore charged back to such counties, and with all interest and charges since accrued upon the amounts so charged back; but the total amount of such credit shall in no case exceed the total amount such county may now be indebted to the State, and said counties of Muskegon and Ottawa shall credit up to the several townships in their respective counties all of said tax which has been charged back to the said townships, or such proportion thereof as they (the said counties) shall be credited with by the State.

Approved June 9, 1883.

JOINT RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION requesting our senators and representatives in congress to vote against the removal of the internal revenue tax upon intoxicating liquors and tobacco or either.

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be requested to use their influence and vote against any legislation for the removal of the internal revenue tax upon intoxicating liquors and tobacco, or either;

Resolved, That his excellency the governor be requested to transmit copies of the foregoing resolution to each of our senators and representatives in congress.

Approved January 31, 1883.

[No. 2.]

JOINT RESOLUTION authorizing the governor and military board to allow the soldiers and sailors' association, of southwestern Michigan, the use of tents belonging to the State.

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor and military board are hereby authorized to allow the organization known as the soldiers and sailors' association of southwestern Michigan, the use of such number of tents belonging to the State, as may be necessary for their encampments, under such regulations as may be prescribed by the quartermaster general.

This resolution is ordered to take immediate effect.

Approved April 10, 1883.

[No. 3.]

JOINT RESOLUTION allowing the State librarian one hundred copies of the book entitled "Michigan in the War," for exchanging with historical societies and other libraries.

SECTION 1. *Resolved by the Senate and House of Representatives of the State*

of *Michigan*, That the State librarian be and she is hereby allowed one hundred copies of the book entitled "Michigan in the War" for exchanging with historical societies and other libraries.

This resolution is ordered to take immediate effect.

Approved April 10, 1883.

[No. 4.]

JOINT RESOLUTION directing the board of State auditors to settle a claim of Robert Hood, of Charlevoix county, against the State of Michigan, for shortage in number of acres of primary school lands bought by him as per primary school land certificate number eight thousand eight hundred and twenty-four.

WHEREAS, Robert Hood, of Charlevoix county, purchased, and paid for in full, per primary school certificate number eight thousand eight hundred and twenty-four, the northwest fractional quarter of section number sixteen, of town number thirty-three north, of range number seven west;

AND WHEREAS, It appears from a survey, made and sworn to by a competent surveyor, that said parcel of land does not contain as many acres as sold by the State; be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors be and are hereby authorized to investigate and examine said claim and determine as to the same, and what amount, if anything, is justly and equitably due and owing to said Robert Hood, or should, in justice and equity, be paid to the said Robert Hood therefor; and said board is hereby authorized and empowered to settle and adjust such claim, and to allow said Robert Hood such sum as they shall find justly and equitably due him, or to which he may be justly and equitably entitled.

Ordered to take immediate effect.

Approved April 10, 1883.

[No 5.]

JOINT RESOLUTION for the relief of the Grand Traverse county agricultural society.

WHEREAS, For the purpose of organizing a county agricultural society in the county of Grand Traverse, in accordance with the provisions of an act entitled "An act to authorize the formation of county and town agricultural societies," approved February twelfth, one thousand eight hundred and fifty-five, ten or more inhabitants of said county signed duplicate articles of association, in accordance with the provisions of said act, acknowledged the same, and caused the said articles to be filed in the office of the secretary of the State agricultural society, and in the office of the county clerk of Grand Traverse county, whereupon the said persons became a body politic and a corporation under the name of the Grand Traverse county agricultural society;

AND WHEREAS, The said articles so filed have been lost or mislaid in both said offices; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That ten or more members of said society are hereby authorized to sign, acknowledge, and file in the office of the secretary of the State agricultural society, and also in the office of the county clerk of Grand Traverse county, new articles of association containing the matters required by section two of said act, and that thereupon the said articles shall be received and considered for all intents and purposes as the original articles of said society;

And it is further resolved, That all proceedings of said society authorized by the said act are hereby ratified and legalized, and all property held by the said society, by grant or purchase, is hereby confirmed to the said society to be held by it the same as if the said original articles had not been lost.

Ordered to take immediate effect.

Approved April 21, 1883.

[No. 6.]

JOINT RESOLUTION authorizing and directing the State librarian to transfer certain articles to the quartermaster general.

Resolved by the Senate and House of Representatives of the State of Michigan, That the State librarian be and she is hereby authorized and directed to transfer such articles of specimens, curiosities, and other collections as have been received or may be hereafter received under the provisions of joint resolution number ten, session laws of one thousand eight hundred and seventy-three, as cannot be properly placed or arranged in the library for inspection, to the quartermaster general of the State for disposition in the military museum, taking his receipt for the same.

Ordered to take immediate effect.

Approved April 21, 1883.

[No. 7.]

JOINT RESOLUTION for the encouragement of rifle practice in the regiments and battalions of State troops.

WHEREAS, It is desirable to establish and maintain skill and efficiency in the use of the military rifle in the several regiments and battalions of State troops;

AND WHEREAS, But a very small amount of the State military fund has been heretofore used to encourage rifle practice; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the sum of one thousand five hundred dollars be and is hereby appropriated from the State military fund in each year for the promotion of rifle practice among the State troops, to be expended under the direction of the State military board; and the State military board is hereby authorized to use a part of said sum in defraying the expenses of such members of the State troops as may be selected by them, on account of their proficiency as marks-

men, to be sent to the annual autumn meeting of the National rifle association of America for practice and instruction.

Ordered to take immediate effect.

Approved April 21, 1883.

[No. 8.]

JOINT RESOLUTION authorizing the Governor to issue a patent to George Punches for the southwest quarter of the southeast quarter of section sixteen, town four north, of range thirteen west, the same being primary school land.

WHEREAS, George Punches of Salem, Allegan county, Michigan, has made satisfactory proof that he is the undisputed holder and owner of primary school land certificate of the State of Michigan numbered seven thousand one hundred and thirty (7,130) for the southwest quarter of the southeast quarter of section sixteen, town four north of range thirteen west, Michigan, which said certificate was on the fourteenth day of June, in the year eighteen hundred and fifty-nine, issued by the commissioner of the State land office to Timothy Bliss, who on the eighteenth day of June, eighteen hundred and sixty-four, assigned the same by his administrator to Emery Hinton, and which said certificate by reason of several assignments has become the property of the said George Punches, who has made proof of the payment to the State of the interest due on said certificate up to the present year, and that the said George Punches has occupied and been in actual possession of the said land since the year eighteen hundred and seventy-two, and that he has made many valuable improvements on the said premises in good faith, believing himself to be the undisputed owner of said land and entitled to a patent on surrendering said certificate, accompanied with a full payment of the principal and interest due to the State for the same;

AND WHEREAS, The said George Punches has made proof that he is equitably entitled to have a patent issued to him for said land on said certificate on the payment of the principal and interest due the State for the same, yet no patent can issue to him on account of defects in matter of form in the assignment of said certificate by parties who held the same after it was issued by the commissioner of the State land office to the said Timothy Bliss, and before the same was purchased by and assigned to the said George Punches, which said assignments cannot be perfected or corrected in consequence of the death of one of the assignors and of the removal of others to parts unknown; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor of this State be and is hereby authorized to sign and cause to be issued to George Punches a patent for the land described in said certificate whenever the same shall be presented to him with the certificate of the commissioner of the State land office that the principal and interest and all taxes and charges levied on said land have been paid.

This resolution is ordered to take immediate effect.

Approved April 26, 1883.

[No. 9.]

JOINT RESOLUTION to provide for charging off the books of the auditor general's office certain land warrants, and land warrants second series.

WHEREAS, It appears from the books of the auditor general's office, that on the thirtieth day of September, eighteen hundred and eighty-two, there was outstanding land warrants payable in internal improvement lands to the amount of one thousand five hundred and fifty-two dollars and fifty-six cents, and land warrants second series to the amount of six hundred and fifty-six dollars and eight cents, which warrants are also payable in internal improvement lands, the second series having become void as provided by law because not presented within two years from their date;

AND WHEREAS, Said warrants are still carried on the books of the auditor general's office as a liability against the State, although the lands applicable to their payment have long since been taken with other warrants or otherwise disposed of, so that there now remains no land with which they can be paid; therefore, be it

Resolved by the Senate and House of Representatives, That said warrants be declared forfeited and the auditor general is hereby authorized and directed to close the accounts of such land warrants, and land warrants second series on the books of his office, on or before September thirtieth, eighteen hundred and eighty-three.

Ordered to take immediate effect.

Approved April 26, 1883.

[No. 10.]

JOINT RESOLUTION for the relief of Edward Blanchard.

WHEREAS, It is claimed by Edward Blanchard that he enlisted, at Detroit, Michigan, as a soldier in the late war, on February twenty-seventh, one thousand eight hundred and sixty-five, to serve one year or during the war, and was credited to Wheatland township, Hillsdale county, Michigan; that he went from Jackson, Michigan, to Harper's Ferry, Virginia, and performed other service as such soldier, and that he, on account of such enlistment and service, became entitled to one hundred and fifty dollars State bounty, from State of Michigan, but that he has never received any part thereof;

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors be and are hereby authorized and instructed to examine said claim, and to allow to said Edward Blanchard whatever sum, if any, they shall find legally due to said Edward Blanchard, from the State, and for such sum so allowed, the auditor general is hereby instructed to draw his warrant on the State treasurer, and the treasurer is hereby required to pay the same out of any money in the treasury not otherwise appropriated.

Ordered to take immediate effect.

Approved April 26, 1883.

[No. 11.]

JOINT RESOLUTION authorizing the governor to issue a patent of certain lands to Sarah E. McLain, Harriet A. Hedges, and John L. Hedges.

WHEREAS, Certificate number (1494) fourteen hundred and ninety-four, was issued at the State land office on the sixteenth (16th) day of January, in the year of our Lord eighteen hundred and forty-four, to one Jacob Hobart;

AND WHEREAS, Said Jacob Hobart, on the sixteenth (16th) day of April, eighteen hundred and forty-five, assigned said certificate to David Hedges in trust for Elias W. Hedges, and said certificate was delivered to said Elias W. Hedges, and he went on to the land described in the certificate, made valuable improvements thereon, and paid all the installments of principal and interest to the State until he died, and since then his administrator has paid the same, so that the whole amount of principal and interest on said certificate of purchase has been fully paid to the State, and all taxes, as fully appears by the certificate of the commissioner of said land office;

AND WHEREAS, Said David Hedges was the father of said Elias W. Hedges, and died many years since, not claiming any interest in the land, leaving said Elias in the possession thereof more than twenty years ago, and the heirs of said David Hedges, deceased, have quit-claimed to said Elias W. Hedges all their interest in the said land described in said certificate, viz.: The east half of the northeast quarter of section sixteen (16), township eight (8) south, range eight (8) east, Monroe county, containing eighty (80) acres;

AND WHEREAS, Said Elias W. Hedges died in the State of Ohio, leaving him surviving no wife and only three children, viz.: Sarah E. McLain, formally Sarah E. Hedges, Harriet A. Hedges, and John L. Hedges, and no others; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor be and he is hereby authorized and directed, on sufficient proof of claimants' heirship, to execute and deliver to said Sarah E. McLain, Harriet A. Hedges, and John L. Hedges a patent for said land described in said certificate.

This resolution is ordered to take immediate effect.

Approved May 2, 1883.

[No. 12.]

JOINT RESOLUTION authorizing the governor to issue a patent of certain lands to Sarah E. McLain, Harriet A. Hedges, and John L. Hedges, heirs at law of Elias W. Hedges, late of Monroe county, deceased.

WHEREAS, Certificate number two hundred and sixty-three (263), university and primary school land, was on the twenty-ninth day of August, in the year of our Lord eighteen hundred and thirty-seven, by John D. Pierce, superintendent of public instruction, agreeably to the provisions of an act entitled "An act to provide for the disposition of the university and primary school lands and for other purposes," approved March twenty-one, eighteen hundred and thirty-seven, issued to Dan B. Miller and Salmon Keeney, of Monroe county, Michigan;

AND WHEREAS, Said Dan B. Miller, on the twelfth day of September, in the year of our Lord eighteen hundred and thirty-seven, did in writing duly assign his interest in said certificate and lands described therein to Salmon Keeney, and said Salmon Keeney by his executor did on the eighteenth day of November, eighteen hundred and fifty-six, duly assign said certificate to Elias W. Hedges;

AND WHEREAS, Said Hedges in his life time paid all interest on said certificate of purchase to the State, and since his death his administrator has paid all sums of principal and interest to the State, so that there is now nothing due the State on account of the sale, and all taxes on the lands described in said certificate have also been paid and discharged;

AND WHEREAS, Said Elias W. Hedges died in the State of Ohio before the final payments on said certificate had been made, leaving him surviving three children and no widow or other heirs, viz.: Sarah E. McLain, formerly Sarah E. Hedges, Harriet A. Hedges, and John L. Hedges, who now reside on the land described in said certificate, viz.: the west half of the northeast quarter of section sixteen, in town eight south, of range eight east, containing eighty acres of land; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor be and he is hereby authorized and directed, on sufficient proof of claimants' heirship, to execute and deliver to Sarah E. McLain, Harriet A. Hedges, and John L. Hedges, a patent for the land described in said certificate.

This resolution is ordered to take immediate effect.

Approved May 2, 1883.

[No. 13.]

JOINT RESOLUTION to provide for the retirement of certain internal improvement warrants, swamp land warrants, and treasury notes.

WHEREAS, It appears from the books of the auditor general's office that there was outstanding September thirtieth, eighteen hundred and eighty-two, internal improvement warrants to the amount of three thousand six hundred and fifty-five dollars and fourteen cents, the last of which was issued September twenty-ninth, eighteen hundred and fifty-one; swamp land warrants to the amount of six hundred and nineteen dollars and fifty-nine cents, the last of which was issued July thirty-first, eighteen hundred and sixty-three, and treasury notes to the amount of seven hundred and thirty dollars, the last of which was issued prior to July third, eighteen hundred and forty-two;

AND WHEREAS, These warrants and notes are carried on the books of the auditor general as a liability against the State;

AND WHEREAS, It is believed that said warrants and notes have been lost or destroyed; therefore be it

Resolved by the Senate and House of Representatives, That the State treasurer is hereby authorized and directed to call in for payment said warrants and notes by advertisement in one paper in Lansing, one daily paper in the city of Detroit, and one daily paper in the city of New York for at least three months, calling upon the holders of said warrants and notes to present them for payment on or before September thirtieth, eighteen hundred and eighty-three,

giving notice in the advertisement that if not presented for payment within the time specified that they shall be declared forfeited; be it further

Resolved, That on the thirtieth day of September, eighteen hundred and eighty-three, the auditor general be and he is hereby authorized and directed to discharge from the records of his office as forfeited to the State, all said warrants and notes not presented and paid within the time above specified, and that accounts therewith on the books of his office be fully closed.

Ordered to take immediate effect.

Approved May 11, 1883.

[No. 14.]

JOINT RESOLUTION asking for an appropriation from congress for light-houses in Lake Michigan.

WHEREAS, There are no light-houses on what is known as the north passage of Lake Michigan, viz.: to the northward of the Beaver Island group;

AND WHEREAS, A good channel exists there, which, if lighted, would be shorter, safer, and better protected from storms for vessels and boats passing between the Straits of Mackinac and north and west shore ports of Lake Michigan than would be the south passage;

AND WHEREAS, Several saw mills have recently been built and other industries are growing up along said north shore of Lake Michigan, the best interests of which require the lighting of this channel, and that no more than two light houses would be necessary for all practical purposes; therefore, be it

Resolved, That we earnestly recommend an appropriation by congress of money sufficient to erect two light-houses at such places as in the opinion of the light-house board will best accomplish the desired result, and that our senators and representatives in congress be requested to use their influence in favor of such appropriation;

Resolved, That the governor be requested to forward to each of our senators and representatives in congress a copy of this preamble and resolution.

Approved May 16, 1883.

[No. 15.]

JOINT RESOLUTION to amend section six, of article six, of the constitution of the State of Michigan, relative to circuit courts.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this State be and the same is hereby proposed, that is to say, that section six, of article six, of said constitution be amended so as to read as follows:

SECTION 6. The State shall be divided into judicial circuits, in each of which the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified. The legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and the circuit judge, or judges of said circuit, in addition to the salary provided by

this constitution, shall receive from said county of Wayne such additional salary as may, from time to time, be fixed and determined by the board of supervisors of said county; and the board of supervisors of each county in the upper peninsula is hereby authorized and empowered to give and pay to the circuit judge of the judicial circuit to which such county is attached, such additional salary, or compensation, as may from time to time be fixed and determined by such board of supervisors;

Be it further resolved, That said constitutional amendment shall be submitted to the people of the State, at the general election to be held on the first Tuesday after the first Monday in the month of November, in the year one thousand eight hundred and eighty-four; and the secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State, in the same manner that he is now required to in case of an election of governor and lieutenant governor, and the inspectors of election in the several townships and cities of this State shall prepare a suitable box for the reception of ballots cast for or against said amendment. Each person voting for said amendment, shall have written or printed, or partly written and partly printed, on his ballot the words, "Amendment relative to circuit courts—yes," and each person voting against said amendment, the words—"Amendment relative to circuit courts—no." The ballots shall, in all respects, be canvassed and returns be made as in elections of governor and lieutenant governor.

*This resolution is ordered to take immediate effect.

Approved May 16, 1883.

[No. 16.]

JOINT RESOLUTION providing for the appointment of a commission for the purpose of enquiring into and reporting upon the desirability of the State purchasing the Michigan Central and Michigan Southern railroads, under the provisions of the respective charters thereof.

WHEREAS, By the provisions of section thirty-six of act number forty-two, of the session laws of eighteen hundred and forty-six, entitled "An act to authorize the sale of the Central railroad and to incorporate the Michigan Central railroad company," the State may, at any time after the first day of January, eighteen hundred and sixty-seven, purchase and take from said company said railroad, and all the property, effects, and assets of said company, and said railroad, and the appurtenances thereof, upon the terms and conditions recited in sections thirty-six and thirty-seven of said act, and whereas by the provisions of section thirty-four of act number one hundred and thirteen, of the session laws of eighteen hundred and forty-six, entitled "An act to authorize the sale of the Southern railroad, and to incorporate the Michigan Southern railroad company," approved May ninth, eighteen hundred and forty-six, the State may, at any time after the first day of January, eighteen hundred and sixty-seven, purchase and take from said company said railroad, and all the property, effects, and assets of said company, and said railroad appurtenances thereof, upon the terms and conditions recited in sections thirty-four and thirty-five of said act number one hundred and thirteen aforesaid; therefore,

* Not ordered to take immediate effect by the Senate.

Resolved by the Senate and House of Representatives of the State of Michigan, That the commissioner of railroads, the State treasurer, and the secretary of State be and the same are hereby created, constituted, and appointed a commission to enquire into the desirability and practicability of the purchase by the State of said Michigan Central and Michigan Southern railroads, under the provisions of the acts as above recited, with a view to the re-sale of said railroads and their re-incorporation under the general railroad laws of the State, and that such commissioners shall, on or before the first day of January, in the year of our Lord eighteen hundred and eighty-five, make a full report of all their proceedings, by virtue of the authority hereby vested in them, to the governor, with such matters of information and recommendation with regard to the question of such purchase, re-sale, and re-incorporation of said railroads aforesaid, as they may deem of importance to the interests of the State, and worthy of consideration by the next legislature.

Approved May 31, 1883.

[No. 17.]

JOINT RESOLUTION for the payment of expenses incurred in examination of charges against A. R. McBride, prosecuting attorney of Shiawassee county.

WHEREAS, The governor of the State of Michigan ordered an investigation of the charges preferred against A. R. McBride, prosecuting attorney of Shiawassee county;

AND WHEREAS, The governor did appoint Gardner K. Grout, an attorney of Saginaw county, to conduct such investigation;

AND WHEREAS, The statute is silent respecting the payment of costs and expenses attending such proceedings, except witness fees, which are a charge against the county; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors be and are hereby authorized and instructed to receive and examine all claims for costs, services, and expenses in conducting said investigation, and to allow to the claimants such sums as they shall find to be equitably and justly due them, if any, and for such sums so allowed by said board the auditor general is hereby instructed to draw his warrant on the State treasurer, and the treasurer is hereby required to pay the same out of any moneys in the treasury not otherwise appropriated.

Ordered to take immediate effect.

Approved June 2, 1883.

[No. 18.]

JOINT RESOLUTION extending the time for the completion of the Marquette, Houghton and Ontonagon railroad.

Resolved by the Senate and House of Representatives of the State of Michigan, That the time limited for the completion of the Marquette, Houghton and Ontonagon railroad be and the same is hereby extended to May first, eighteen

hundred and eighty-five; and in prosecuting its work the said corporation shall not be required to commence at Ontonagon, but nothing in this resolution shall be construed as authorizing in any manner a change of route of said road.

Ordered to take immediate effect.

Approved June 2, 1883.

[No. 19.]

JOINT RESOLUTION for the relief of Selden S. Miner.

WHEREAS, Upon complaint of one James M. Goodell, a citizen of the State of Michigan, who on the seventeenth day of March, eighteen hundred and eighty-one, preferred charges in writing against the prosecuting attorney of Shiawassee county to the governor of the State of Michigan, and which charges partook of the nature of an impeachment;

AND WHEREAS, The governor did appoint Gardner K. Grout, an attorney of Saginaw county, to conduct an inquiry into the charges before a circuit court commissioner of said Shiawassee county, accordingly Selden S. Miner was designated as such commissioner to take the evidence. The proceedings were held under compiled laws, sections six hundred and eighteen to six hundred and twenty-seven as amended by public acts of eighteen hundred and seventy-nine, page two hundred and twenty-two;

AND WHEREAS, The statute is silent respecting the costs of such proceedings, with the exception that it charges the county with the fees of the witnesses (public acts of eighteen hundred and seventy-nine, page two hundred and twenty-three);

AND WHEREAS, Said Selden S. Miner applied to the supreme court of the State of Michigan for a mandamus to compel the board of supervisors of Shiawassee county to audit and allow his claim for taking evidence in said investigation; but said court denied said mandamus, and determined that said county was not liable for said claim, as the charges were not preferred at the instance of the county, but were ordered by the governor at the instance of a private citizen of said State;

AND WHEREAS, There is no redress for the said Selden S. Miner, who discharged his duties in good faith, only through an enabling act; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors be and are hereby authorized and instructed to examine said claim of Selden S. Miner, and to allow to said Miner such sum as they shall find justly and equitably due to him, if any, from the State; and for such sum so allowed by the said board the auditor general is hereby instructed to draw his warrant on the State treasurer, and the treasurer is hereby required to pay the same out of any moneys in the treasury not otherwise appropriated.

Ordered to take immediate effect.

Approved June 2, 1883.

[No. 20.]

JOINT RESOLUTION authorizing the board of State auditors to settle the claim of William B. Peirson.

WHEREAS, William B. Peirson, of Three Rivers, Michigan, claims that there is justly and equitably due to him from the State of Michigan, a sum of money for a release by him, by his attorney in fact, of date May twenty-ninth, one thousand eight hundred and eighty-two, to the State, of certain lands in the city of Niles, bid in by the State for non-payment of taxes claimed to have been assessed thereon, and for a further sum of money paid by said William B. Peirson to the State, for taxes illegally assessed on other lands in said city of Niles, not yet released to the State, but which he is ready to release; which lands had been purchased by said Peirson from the State, but which were so released in part, and are ready to be released in whole, on the ground of certain illegalities and defects in the assessment and levying of the taxes thereon, rendering the sale of said lands, as he claims, illegal, invalid, and ineffectual to convey any title to the same; but which moneys paid by said Peirson to the State for said lands, the auditor general considers, under the law and the facts, he is not authorized to refund to said Peirson, or to re-convey to him the land so released to the State by said Peirson; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors be and they are hereby authorized and instructed to examine said Peirson's said claim, and determine as to the same, and what amount, if anything, is legally due and owing from the State to said William B. Peirson therefor, and said board is hereby authorized and empowered to settle and adjust such claim, and allow said William B. Peirson such sum as they shall find legally due him.

Ordered to take immediate effect.

Approved June 6, 1883.

[No. 21.]

JOINT RESOLUTION for the relief of Townsend A. Ely, of Alma, Michigan.

WHEREAS, A ditch tax of ninety-six dollars and ninety-three cents was levied and assessed on west half of southeast quarter of section sixteen, township eleven north, of range three west, Gratiot county, in the year eighteen hundred and seventy-one, which land was, at the time, non-resident, part-paid primary school land;

AND WHEREAS, The land so assessed was not benefited by such tax;

AND WHEREAS, Townsend A. Ely, who afterwards became the owner of said land, sold it and was not aware of the existence of such a lien against the premises;

AND WHEREAS, When said Townsend A. Ely made application to pay said tax, he was obliged by the law then in force, to pay the entire original tax, together with thirty per cent interest; therefore,

Resolved by the Senate and House of Representatives, That the auditor general be and he is hereby instructed to draw his warrant on the State treasurer

in favor of Townsend A. Ely, for the amount of interest paid in excess of seven per cent.

This resolution is ordered to take immediate effect.

Approved June 6, 1883.

[No. 22.]

JOINT RESOLUTION to provide for the adjustment of claims arising from collections for trespass on Detroit and Milwaukee railroad lands.

WHEREAS, The State of Michigan, by suit and otherwise, has compelled sundry parties to pay for the benefit of the State certain moneys on account of trespasses committed on what is known as the Detroit and Milwaukee railroad lands;

AND WHEREAS, By the decision of the supreme court and otherwise it appears that it would be unjust for the State to retain the money so recovered; therefore

Resolved, That the board of State auditors be and they are hereby authorized, at any time within one year from the time this resolution shall take effect, to hear and adjust all equitable claims which may arise on account of the recovery of such money, and to draw their orders on the State treasurer for such amount, without interest, as shall have been paid for the benefit of the State by any parties on account of such trespasses, and the State treasurer is hereby authorized to pay such orders out of any moneys in his hands not otherwise appropriated: *Provided*, That no such claims shall be adjusted or paid unless the party paying such money in the first instance was at the time of such trespass the lawful holder of title to the land trespassed upon, under either William R. Bowes, Augustus D. Griswold, or Amos Gould.

This resolution is ordered to take immediate effect.

Approved June 7, 1883.

[No. 23.]

JOINT RESOLUTION proposing an amendment to section fifteen, article four, of the constitution of this State, relative to the compensation of members of the legislature, and to prohibit the use of passes or free tickets on railroads.

SECTION 1. *Resolved by the Senate and House of Representatives of the State of Michigan*, That the following amendment to the constitution of this State be and the same is hereby proposed to stand as section fifteen of article four:

SEC. 15. The compensation of the members of the legislature shall be a salary of seven hundred dollars for each regular session, and at such regular session they may legislate upon such subjects as are submitted to them by special message of the governor, after the expiration of the fifty days of the session limited for the introduction of bills; when convened in extra session their compensation shall be a salary of one hundred dollars, and they shall legislate on no other subjects than those expressly stated in the governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents and no more for every mile actually traveled in going to and returning from the place of meeting on the usually traveled route. Each member shall be entitled to

one copy of the laws, journals, and documents of the legislature of which he was a member, but shall not receive at the expense of the State, books, newspapers, or other perquisites of office, or any other perquisite or compensation not expressly authorized by this constitution; and no member of the legislature shall accept or use any free pass or free ticket on any railroad during his term of office.

SEC. 2. Said amendment shall be submitted to the people of this State at the annual election, to be held on the first Tuesday in November, in the year eighteen hundred and eighty-four, and the secretary of State is hereby required to give notice of the same to the sheriffs of the several counties in this State, in the same manner that he is now by law required to do in case of an election of judges of the supreme court, and the inspectors of election in the several townships and cities of this State shall prepare a suitable ballot-box, for the reception of ballots cast for and against said amendment. Each person voting for said amendment of section fifteen, article four, shall have written or printed on his ballot the words, "Amendment relative to the compensation of members of the legislature—yes," and each person voting against said amendment shall have written or printed on his ballot the words, "Amendment relative to the compensation of members of the legislature—no." The ballots in all respects shall be canvassed and return made as in electing judges of the supreme court.

Approved June 8, 1883.

[No. 24]

JOINT RESOLUTION asking our senators and representatives in congress to use their influence to secure the passage of a law to prevent extortion under patent laws.

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representatives in congress be requested to use their influence to procure an amendment to the patent laws as shall exempt from prosecution all persons who have purchased and used, or may hereafter purchase and use, patented articles without notice of the claims of the patentee or his assigns.

Resolved, That his excellency, the governor, be requested to transmit copies of the foregoing resolution to each of our senators and representatives in congress.

Approved June 8, 1883.

CONCURRENT RESOLUTIONS.

[No. 1.]

CONCURRENT RESOLUTION.

WHEREAS, In eighteen hundred and seventy-seven the secretary of the interior placed under suspension certain contested homestead cases in the counties of Oceana, Mason, Charlevoix, and Emmet, upon charges of fraud preferred by the Indian agent of Michigan;

AND WHEREAS, The suspension has worked great hardship to the people by withholding the said land from settlement and taxation, and depriving many of the contestants, veterans of the late war, of a home on land they helped to save;

AND WHEREAS, Five years have passed in which to have proven the alleged fraud and it has not been done; therefore,

Resolved (the Senate concurring), That the secretary of the interior be and is hereby respectfully requested to remove the said suspension and allow the homestead law to take its course.

Approved March 8, 1883.

[No. 2.]

CONCURRENT RESOLUTION to authorize the United States to obtain and use certain lands for light house and other purposes, at Grand Marais, Lake Superior.

Resolved (the House concurring), That the United States are hereby authorized and empowered to acquire the title, by gift or purchase, of the following land, to-wit: All of lot one (1), of section six (6), in town forty-nine (49) north, of range thirteen (13) west, Michigan meridian, lying east of a line parallel to, and one thousand (1000) feet west of the east line of said lot one (1), situate in the State of Michigan, and also to erect light houses, or other public buildings thereon.

Approved June 1, 1883.

[No. 3.]

CONCURRENT RESOLUTION.

Resolved by the House of Representatives (the Senate concurring), That the secretary of the senate and the clerk of the house of representatives be, and they are hereby directed to compile and prepare for publication, and make indexes, and superintend the publication of the journals and documents of the present legislature, and when completed and certified to by the secretary of State, the secretary of the senate shall be entitled to and receive for such services the sum of five hundred dollars, and the clerk of the house of representatives shall be entitled to and receive for such services the sum of six hundred dollars, the same to be paid on the certificate of the secretary of State.

Approved June 8, 1883.

[No. 4.]

CONCURRENT RESOLUTION.

Resolved, (the Senate concurring), That the secretary of State be requested to furnish manuals as per schedule:

Governor	20
Lieutenant Governor	20
Speaker House	20
Secretary Senate	8
Clerk House	8
Senators each	14
Representatives each	9
Assistant Secretary Senate	4
Journal Clerk House	4
Corresponding Clerk House	4
Enrolling Clerk House	4
And Assistant Clerk House	2
Enrolling Clerk Senate	4
And Assistant Clerk Senate	2
Sergeant-at-Arms, Senate	5
1st Assistant Sergeant-at-Arms, Senate	2
2d " " " "	2
Sergeant-at-Arms, House	5
1st Assistant Sergeant-at-Arms, House	2
2d " " " "	2
Senate janitor	1
House janitor	1
Committee clerks, Senate (1 each)	5
" " House "	7
Keeper stationery	1

Postmistress and her assistant, 1 each	2
Reporters, 1 each	4
Capitol police	5
Assistant janitors, Senate	3
“ “ House	5
Document keeper	1
Approved June 8, 1883.	

NOTE.—The words and sentences enclosed in brackets in the foregoing acts and resolutions were in the bills and resolutions as passed by the legislature, but not in the enrolled copy as approved by the governor.

AMENDMENT TO THE CONSTITUTION.

AMENDMENT TO THE CONSTITUTION proposed by the legislature of eighteen hundred and eighty-one, and ratified and approved by the people at the November election of eighteen hundred and eighty-two.

ARTICLE IX.

SALARIES.

SECTION 1. The governor shall receive an annual salary of one thousand dollars; the judges of the circuit court shall each receive an annual salary of two thousand five hundred dollars; the State treasurer shall receive an annual salary of one thousand dollars; the superintendent of public instruction shall receive an annual salary of one thousand dollars; the secretary of State shall receive an annual salary of eight hundred dollars; the commissioner of the land office shall receive an annual salary of eight hundred dollars; the attorney general shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their office. It shall not be competent for the legislature to increase the salaries herein provided.

CERTIFICATE.

STATE DEPARTMENT MICHIGAN, } ss.
Secretary's Office.

I, HARRY A. CONANT, secretary of State of the State of Michigan, do hereby certify, that the date of the final adjournment of the regular session of the legislature of this State, for the present year, was June ninth, one thousand eight hundred and eighty-three.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the State of Michigan, at Lansing, this eleventh day of
[L. S.] June, in the year of our Lord one thousand eight hundred and eighty-three.

HARRY A. CONANT,
Secretary of State.

APPENDIX:

CONTAINING

STATE TREASURER'S ANNUAL REPORT

FOR THE YEAR 1882.

STATE TREASURER'S ANNUAL REPORT, 1882.

STATE OF MICHIGAN,
STATE TREASURER'S OFFICE, }
Lansing, Sept. 30, 1882.

To His Excellency, DAVID H. JEROME, Governor of Michigan:

SIR,—In obedience to the requirements of law, I have the honor to submit the following report of the financial operations of this department for the past fiscal year, embracing its receipts and disbursements to and from the various funds as provided by existing laws, and including a statement of the condition of the State and savings banks, organized under the banking law of the State, which have made reports to this office during the year:

The balance of cash in the Treasury Sept. 30, 1881, was.....	\$1,793,362 07
Cash receipts for the fiscal year.....	2,916,084 45
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	\$4,709,446 52
Cash payments for the fiscal year.....	2,951,513 31
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Balance Sept. 30, 1882.....	\$1,757,933 21
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Of this balance there is held in the Sinking Fund.....	\$588,000 00
Trust Funds.....	438,384 79
St. Mary's Canal Fund.....	68,924 12
War Fund.....	11,703 39
General Fund.....	650,920 91
	<hr/>
Total.....	\$1,757,933 21
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The demands against the State Treasury now due are as follows:

Past due bonds and coupons.....	\$14,285 97
Trust deposits due on demand.....	5,516 28
Semi-annual interest due Nov. 1, 1882.....	10,430 00
“ “ “ “ Jan. 1, 1883.....	17,700 00
University Interest.....	8,548 60
Normal School Interest.....	925 88
Agricultural College.....	150 00
Asylums—Eastern for Insane.....	18,787 50

Asylums—Michigan for Insane.....	\$6,130 00
New Asylum for Insane.....	21,588 39
Asylums—Deaf and Dumb.....	10,000 00
School for the Blind.....	4,625 00
Board of Corrections and Charities.....	5,328 38
Board of Fish Commissioners.....	5,528 58
Commissioners of Mineral Statistics.....	1,500 00
Geological Survey.....	6,000 00
Immigration Agency.....	2,500 00
Military Account.....	11,180 66
New State Capitol.....	8,926 86
Pioneer Society, State of Michigan.....	3,000 00
Publishing Proceedings Superintendents of Poor.....	79 14
Soldiers' Aid.....	5,000 00
State Board of Health.....	2,688 03
State House of Correction.....	500 00
State Normal School.....	3,880 59
State Prison.....	41,009 99
State Public School.....	9,000 00
State Reform School.....	57,875 00
State Reform School for Girls.....	7,250 00
University of Michigan.....	57,125 00
Michigan in the War.....	29,900 00
Aid to Fire Sufferers.....	75,000 00

\$451,959 85

The following amounts are held in trust for the purposes named:

Sinking Fund.....	588,000 00
Canal Fund.....	68,924 12
Primary School Interest Fund.....	423,394 03

Total.....\$1,532,278 00

We find the total demands against the Treasury are \$1,532,278.00, and the balance in the Treasury is \$1,757,933.21, an amount sufficient to pay all demands against it and leave a surplus of \$225,655.21.

Under the provisions of Act No. 200, laws of 1863, the entire surplus funds have been kept on deposit in the banks of the State, excepting an amount necessary for the current business and immediate disbursements of the department, and on which interest has been paid to the amount hereinafter set forth.

BONDED DEBT.

I have paid during the year one war bounty loan bond, due May 1st, 1890.....	\$1,000 00
And three adjusted bonds due January 1st, 1863.....	3,000 00
This leaves the State debt as follows:	

Interest Bearing Bonds.

Two-Million Loan Bonds, 6's, due January 1st, 1883.....	\$590,000 00
War Bounty Loan Bonds, 7's, due May 1st, 1890.....	298,000 00
	<u>\$888,000 00</u>

Non-Interest Bearing Bonds.

\$21,000.00 part-paid Five-Million Loan Bonds, adjustable at \$578.57 per \$1,000.00.....	\$12,149 97
Total Bonded Debt.....	<u>\$900,149 97</u>

There is on hand applicable to the payment of this debt:

United States Bonds (with Fund Commissioners).....	\$300,000 00
In Sinking Fund.....	588,000 00
In General Fund.....	12,149 97
	<u>\$900,149 97</u>

The amount paid for interest on the bonded debt during the year is as follows:

Interest on War Bounty Loan Bonds due Nov. 1, 1881 and May 1, 1882.....	\$ 20,940 83
Interest on Two-Million Loan Bonds due January 1 and July 1, 1882.....	35,430 00
Interest on Adjusted Bonds due January 1, 1863.....	261 00
Premium on Bonds purchased.....	200 00
Total.....	<u>\$56,831 83</u>

The State has received interest as follows:

Surplus Funds.....	\$60,452 60
Specific Taxes.....	818 93
United States $4\frac{1}{2}$ per cent Bonds.....	13,500 00
Total.....	<u>\$74,771 53</u>

Making a difference of \$17,939.70 which the State has received in interest more than it has paid.

SINKING FUND.

The condition of the Sinking Fund is shown as follows:

Balance Sept. 30th, 1881.....	\$589,000 00
United States Bonds $4\frac{1}{2}$ per cent.....	300,000 00
Total.....	<u>\$889,000 00</u>
War Bounty Loan Bond paid and canceled.....	\$1,000 00
Balance Sept. 30th, 1882.....	888,000 00
Total.....	<u>\$889,000 00</u>

The \$300,000.00 United States $4\frac{1}{2}$ per cent Bonds, technically under the control of the Board of Fund Commissioners, is not shown in the Ledger account of the Sinking Fund, and does not therefore appear in the cash balance.

TRUST FUND DEBT.

The Trust Debt of the State is composed of Funds and amounts set apart by law for educational purposes, and must remain a perpetual debt, on which the State as the trustee of these institutions will pay interest for all time to come. It is as follows:

Primary School Fund.....	\$2,924,325 17
Primary School five per cent, Fund.....	337,996 54
University Fund.....	485,601 80
Agricultural College Fund.....	224,868 15
Normal School Fund.....	60,075 45
Total.....	<u>\$4,032,867 11</u>

On the above the State pays interest at the rate of seven per cent per annum on the Primary School Fund, University Fund, and Agricultural College Fund, five per cent on the Primary School five per cent Fund, and six per cent on the Normal School Fund. The following table shows the amount of interest computed on each Fund, and paid from Specific Tax Fund during the fiscal year.

Primary School Interest Fund, 7%.....	\$197,147 95
Primary School Interest Fund, 5%.....	16,713 92
University Interest Fund, 7%.....	33,836 39
Agricultural College Interest Fund, 7%.....	13,957 04
Normal School Interest Fund, 6%.....	3,564 92
Total.....	<u>\$265,220 22</u>

SPECIFIC TAX FUND.

The receipts into this fund are derived from the specific taxes on railroad, street railway, freight, sleeping and palace car companies, fire, life and plate glass insurance companies, mining, telegraph, express, river improvement, plank and gravel road companies, amounting during the fiscal year to \$676,-941.09.

The payment and transfers are:

Interest on educational funds.....	\$265,220 22
War Fund—Interest on War Bonds.....	\$20,900 83
General Fund—Interest on Two-Million Loan Bonds.....	35,400 00
“ “ —Interest on past due adjusted Loan Bonds.....	261 00
“ “ —Mining Co. taxes.....	40,905 06
Mining tax refunded.....	9 00
Sinking Fund.....	200 00
Surplus transferred to Primary School Interest Fund under decision of the Supreme Court.....	314,044 98
Total.....	<u>\$676,941 09</u>

GENERAL FUND.

On Sept. 30, 1881, there was a balance in the General Fund of..	\$601,900 88
Cash receipts during the year.....	1,790,642 21
Transfers from Trust Funds.....	273,264 20
" " Swamp Land Fund.....	130,101 99
" " Specific Tax Fund.....	76,566 06
" " Sundry Deposit Account.....	34 13
Total.....	<u>\$2,872,509 47</u>

The cash payments are.....	\$2,104,498 98
Transfers from Swamp Land Fund.....	115,849 87
" " Trust Funds.....	1,239 71
Balance Sept. 30, 1882.....	650,920 91
Total.....	<u>\$2,872,509 47</u>

ST. MARY'S CANAL FUND.

The balance in the Canal Fund Sept. 30, 1881, was.....	\$66,843 62
Office furniture, etc., sold.....	2,084 53
	<u>\$68,928 15</u>

Payments.

Expenses.....	4 03
Balance Sept. 30, 1882.....	<u>\$68,924 12</u>

The condition of the Swamp Land Scrip Account is as follows:	
Balance of outstanding warrants on which lands have not been patented Sept. 30, 1881.....	\$31,413 46
Warrants issued during the year.....	112,440 62
	<u>\$143,854 08</u>
Lands patented during the year.....	82,646 02
Balance outstanding.....	<u>\$61,208 06</u>

During the past year there have been no Railroad Aid Bonds surrendered. Below I give a detailed list of those remaining in this office.

TOWNSHIP.	COUNTY.	RAILROADS.	AMOUNT.
Bingham.....	Clinton.....	Lansing, St. Johns & Mackinac.....	\$40,000 00
Emerson.....	Gratiot.....	" " ".....	10,000 00
Washington.....	Gratiot.....	" " ".....	8,000 00
Coe.....	Isabella.....	" " ".....	15,579 00
Chippewa.....	Isabella.....	" " ".....	5,813 90
Lyons.....	Ionia.....	Jonesville, Marshall & Grand River.....	40,000 00
Corunna City.....	Shiawassee.....	East Saginaw & Ann Arbor.....	14,000 00
Spaulding.....	Saginaw.....	" " ".....	19,500 00
Talmadge.....	Ottawa.....	Grand Rapids & Lake Shore.....	10,000 00
St. Clair.....	St. Clair.....	Michigan Air Line Extension.....	28,800 00
Total.....			<u>\$191,492 90</u>

The following tables show the details of revenue and expenditures for the fiscal year:

RECEIPTS.

Tax histories and statements.....	\$ 4,086 13	
State tax deeds.....	658 00	
State tax lands and bids.....	56,292 19	
State tax lands, Act 229, 1881.....	261,954 33	
Redemptions.....	57,756 45	
Delinquent taxes	199,499 13	\$580,246 23
Primary school principal.....	\$313,572 50	
Primary school interest	29,504 00	
Swamp land principal.....	125,676 16	
Swamp land interest.....	2,696 83	
University principal.....	5,562 72	
University interest.....	4,521 04	
Agricultural College principal.....	51,449 27	
Agricultural College interest.....	8,672 61	
Normal school principal.....	1,440 00	
Normal school interest.....	757 50	
Asylum principal	1,800 00	
Asylum interest.....	695 53	
State building principal.....	2,729 78	
State building interest.....	523 00	
Salt Spring principal.....	1,406 63	
Salt Spring interest.....	544 54	
Asset lands principal.....	320 00	
Asset lands interest.....	181 39	
Taxes on part-paid lands.....	8,439 07	
Detroit and Milwaukee railroad lands.....	1,239 71	\$461,732 28
Sundry deposits account—		
Primary school bids.....	\$404 95	
Primary school interest	4 83	
Swamp land bids.....	160 00	
Swamp land interest.....	4 21	
Agricultural College bids.....	250 00	\$823 99
Counties—		
State tax of 1881.....	\$758,953 79	
State tax land sales.....	119,088 21	
General account.....	44,473 21	
Taxes and redemptions.....	69,529 12	\$992,044 33
Specific taxes—		
Railroad companies.....	\$532,215 17	
Street railway companies.....	310 50	
Freight, sleeping, and palace car companies.....	1,058 94	
Fire insurance companies.....	68,628 10	
Life insurance companies.....	23,550 95	
Plate glass insurance companies.....	71 95	

Mining companies.....	\$41,213 39	
Telephone companies.....	1,073 48	
Telegraph companies.....	4,130 94	
Express companies.....	1,852 17	
Plank and gravel road companies.....	1,298 84	
River improvement companies.....	1,351 77	
Musical societies.....	4 50	
Boiler inspection insurance companies.....	180 39	
		\$676,941 09
Interest—		
Surplus funds.....	\$60,452 60	
Specific taxes.....	818 93	
United States 4½% bonds.....	13,500 00	
		\$74,771 53
Sales—		
Michigan reports.....	\$3,249 30	
Session laws.....	288 16	
Railroad laws.....	89 66	
Old furniture.....	514 27	
Legislative manuals.....	16 50	
		\$4,157 89
Fees—		
Secretary of State's office.....	\$907 61	
Commissioner of State Land office.....	3,089 07	
Auditor General's office—plats filed.....	241 00	
Commissioners of deeds.....	144 00	
Notaries public.....	1,094 00	
State oil inspector.....	5,639 17	
Settlers' license fees.....	286 00	
		\$11,400 85
Rents—		
Primary school lots in Lansing.....	\$10 00	
Old State offices.....	1,881 72	
		\$1,891 72
St. Mary's Falls Ship Canal—office furniture.....	\$2,084 53	
		\$2,084 53
Refunded—		
Appropriations.....	\$3,796 75	
Awards Board of Auditors.....	165 38	
Legislature stationery.....	25 15	
		\$3,987 28
Peddlers' licenses.....		874 35
Trespass collections.....		1,729 00
Earnings convict labor in State Prison.....		83,027 81
Liquor tax.....		1,300 00
Michigan Pioneer Society collections.....		96 00
Conscience fund.....		2 00
United States 5% sales public lands.....		18,973 57
Total receipts.....		\$2,916,084 45

EXPENDITURES.

Bonds—

War Bounty Loan (due May 1, 1890).....	\$1,000 00
Adjusted Bonds (due January 1, 1863).....	3,000 00

\$4,000 00

Coupons—

War Bounty Loan Bonds.....	\$20,940 83
Two-Million Loan Bonds.....	35,430 00
Adjusted Bonds.....	261 00

\$56,631 83

Premium on Bonds.....

200 00

Fund for counties—

Taxes collected.....	\$345,986 86
Asylums.....	3,110 64
Military.....	131 83

\$349,229 33

Appropriations—

University of Michigan.....	\$112,250 00
State Agricultural College.....	41,431 90
State Normal School.....	39,512 95
State Capitol.....	1,251 73
State Reform School.....	61,500 00
State Reform School for Girls.....	68,934 68
State Public School.....	40,200 00
State Pioneer Society.....	1,800 00
State House of Correction.....	11,100 00
State Board of Health.....	6,537 83
State Library.....	2,900 00
State Teachers' Institutes.....	1,800 00
State Prison.....	17,294 65
Michigan Asylum for Insane.....	40,570 00
Eastern Asylum for Insane.....	72,912 50
Institution for Deaf and Dumb.....	41,924 50
Michigan School for the Blind.....	34,425 00
Board of Fish Commissioners.....	8,173 18
Board of Corrections and Charities.....	2,223 56
Conveying convicts to State Prison.....	3,492 44
Conveying convicts to State House of Correction.....	22,168 86
Transportation children to State Public School.....	1,206 41
Return children from State Public School.....	79 88
Apprehending escaped convicts.....	137 50
Care of juvenile offenders.....	2,996 58
Military account.....	64,010 45
Expenses of State Prison.....	87,027 81
Expenses of State House of Correction.....	40,000 00
Support of convicts, Detroit House of Correction.....	164 72
Support of Insane.....	164,289 12
Geological survey.....	8,000 00
Yorktown Centennial.....	10,000 00
Michigan in the War.....	100 00

Immigration agency.....	\$6,500 00	
Commissioner of Mineral Statistics.....	1,500 00	
Compiling and indexing Legislative Journal.....	700 00	
Tax Commission.....	6,878 51	
State Board of Education.....	397 40	
New Asylum for Insane.....	28,411 61	
Relief J. A. Howard.....	500 00	
Medical treatment of children.....	701 00	
Publishing Laws (Extra Session, 1882).....	3,240 00	
Green's Treatise on Townships.....	15,000 00	
Publishing proceedings Mich. Superintendents of the Poor.....	70 86	
Pomological Exhibition Aid to Fire Sufferers.....	190,000 00	
		\$1,264,315 63
Transfers from specific tax fund—		
Primary School interest.....	\$639,068 47	
University interest.....	38,398 47	
Agricultural College interest.....	25,891 62	
Normal School interest.....	4,338 52	
		\$707,697 08
Awards of Board of State Auditors—		
General awards.....	\$55,066 82	
Printing and binding.....	45,506 23	
Paper and stationery.....	23,165 73	
Michigan Reports.....	6,057 00	
Expenses State Swamp Land Commissioner.....	1,392 44	
Supervisors' appraisals forfeited lands.....	1,012 18	
Advertising sales of forfeited lands.....	718 90	
Examining lands.....	2,004 95	
		\$134,924 25
Salaries—		
Elective State officers.....	\$6,316 67	
Judges of Supreme Court.....	16,000 00	
Judges of Circuit Courts.....	41,744 38	
Judges of Superior Courts.....	3,000 00	
Recorder of Detroit.....	1,500 00	
State Reporter and Clerk.....	2,100 00	
State Treasurer's office.....	5,790 00	
Auditor General's office.....	51,506 23	
Secretary of State's office.....	18,633 02	
State Land office.....	10,133 33	
State Swamp Land office.....	1,178 06	
Superintendent of Public Instruction's office.....	3,312 30	
Attorney General's office.....	1,500 00	
Insurance Commissioner's office.....	4,200 00	
Railroad Commissioner's office.....	3,416 66	
State Board of Health's office.....	5,991 28	
State Librarian and assistant.....	1,700 00	
Governor's Private Secretary and clerk.....	2,073 97	
Secretary of Agricultural College.....	1,000 00	

APPENDIX.

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Military officers.....	\$3,250 00	
Commissioner of Immigration.....	3,291 69	
		\$187,637 59
Refunding—		
Taxes, etc.....	\$59,727 24	
State lands—principal and interest.....	200 14	
Fees.....	10 00	
		\$59,937 38
Sundry Deposits Account—		
Primary School bids.....	\$109 25	
Primary School interest.....	4 83	
Agricultural College bids.....	153 24	
Swamp Land bids.....	239 94	
Swamp Land interest.....	4 21	
		\$511 47
Legislature—		
Per diem and mileage.....	\$16,387 80	
Incidental expenses.....	164 89	
Postage.....	112 32	
Stationery.....	1,266 98	
		\$17,931 99
General Expenses—		
St. Mary's Canal.....	\$4 03	
Courts.....	2,916 97	
State Reporter.....	158 25	
Sales.....	1,889 58	
Members of Boards of State Institutions.....	7,255 57	
Advertising tax sales.....	30,353 60	
Conducting tax sales—County Treasurers.....	10,969 80	
Coroners' fees.....	2,466 34	
Wolf bounties.....	42 00	
		\$56,056 14
Swamp land warrants.....		112,440 62
Total.....		\$2,951,513 31

From the foregoing exhibit, showing the present financial condition of our State, there will be found, I trust, many things that will be highly satisfactory and gratifying to our people.

The entire amount of money necessary for the full payment of our State indebtedness is provided and set apart in the sinking fund, ready to be applied as rapidly as the surrender of the bonds can be procured. The total bonded indebtedness of the State now outstanding is \$900,149.97, classed as follows: \$590,000.00 unpaid balance of the six per cent Two-Million Loan Bonds, all of which mature on the 1st day of January, 1883, and which will doubtless all be paid and cancelled before the close of the present calendar year. There is yet outstanding of the issue known as the seven per cent War Loan Bonds, \$298,000.00, which will not mature until May 1st, 1890, to meet the payment of which there is now in the Treasury \$300,000.00 in U. S. 4½ per cent Bonds.

There is yet unpaid of the Five-Million Loan Bonds, at their adjusted value, the sum of \$12,149.97, which by provisions of law are payable from the General Fund if ever presented for payment; but the supposition is that they are either lost or destroyed, and will never be presented.

Since my last report but little progress has been possible in the purchasing of the unmatured Bonds of the State, for the reason that the country has been so full of idle money, millions of which has been seeking investment at almost any rate of interest, and which has caused our bonds to be held at so high rates of premium that it has been impracticable to buy them in.

It was a great mistake that the State did not embody in its form of Bond an option, by which it could have retired its indebtedness at a much earlier day, if the financial condition of the State would have permitted it, and would at the same time have secured the benefits of a more extended term if the necessities of the State required it. Such a bond, I have no doubt, could have been placed quite as readily at the time our indebtedness was created, as the bond used, and as matters have developed would have saved many thousand dollars to the State. By reason of the absence of such conditions in the bonds nearly a million dollars have been locked in the Sinking Fund for more than two years, awaiting the maturity of the State's indebtedness. These moneys having been placed to the credit of the Sinking Fund, in obedience to the provisions of Section 1, Article 14, of the Constitution, could not be legally used for any other purpose than paying the bonded indebtedness; unless they could be classed as surplus funds under the provisions of Act No. 200, Session Laws of 1863, and subject to deposit as therein provided. Believing that such construction would be most in accord with true business principles, I have kept the moneys so placed in the Sinking Fund, in common with the unemployed surplus in the General Fund, closely deposited in the banks of the State, subject to call at any moment, thoroughly secured by responsible guarantors, and from which the State has realized, during my four years of official management, the following sums of interest, to wit: For the year 1879, \$44,759.53; in 1880, \$52,903.59; in 1881, \$63,475.78; and in 1882, 74,771.53, or an aggregate for the four years of \$235,910.43.

It has been my policy to keep the surplus moneys deposited in the banks of our own State, and as evenly distributed as circumstances would permit, that our own people might reap whatever benefits might accrue therefrom.

In my former reports I have called attention to the provisions of Section 1, Article 14, of the Constitution, which circumscribes and directs the application of the moneys received from specific taxes, and to which I would again respectfully refer. Now that the money necessary for paying the bonded debt is provided, the provisions of the constitution referred to direct that all moneys received from specific taxes, excepting those received from mines in the Upper Peninsula, shall be applied wholly to educational purposes in the manner following, to wit: First, in the payment of the interest upon Educational Trust Funds; second, the balance shall be added to and constitute a part of the Primary School Interest Fund.

It is not my intention in again calling attention to this matter to argue in favor of withdrawing from our schools one farthing from the largest possible sum which can be safely and profitably used in their support, for no one can have a higher appreciation of the blessings and sacred office of our public schools than myself. But it is admitted by our best educators that an absolutely free system of schools is not productive of the highest results in educa-

tion, as it relieves the tax-payers and patrons of the schools from the necessity for that constant and active supervision of the financial and business management of the affairs of the district which is so necessary in securing and maintaining the efficiency of the schools.

It is possible that the large sums accruing from specific taxes (which amounted to the sum of one dollar and twenty-four cents per capita, with the interest upon the school fund in 1882, for every child of school age within the State), can be disbursed without endangering the efficiency of our schools. But as these moneys, which must largely increase in amount from year to year, are wholly controlled by constitutional provisions, there can be no relief only through an amendment of that instrument, which I think should be effected at an early day, and the whole matter placed under control of the Legislature.

Since my last report, the remainder of the personal property belonging to the St. Mary's Falls Ship Canal has been sold and the proceeds placed to the credit of the canal fund, making a final balance in that fund of \$68,924.12. All business pertaining to the management of the canal on the part of the State has ceased, and the moneys in the fund remain in the State Treasury under the provisions of Act No. 17, Session Laws 1881, the State acting simply as Trustee.

In conclusion, permit me to say, that during the past four years of my official term there has been received at this department, including the amount on hand at the commencement of the term, \$10,942,847.54, and of which there has been disbursed the sum of \$9,184,914.33. And it affords me great satisfaction to be able to state that the large sums represented by these aggregates have been received, managed, and disbursed with the results above stated, without the loss of one cent.

The duties of the department, though largely increased in volume, have been promptly, and as I believe acceptably performed without the necessity of increased clerical force. This has been accomplished through the earnest and faithful services of the regular force of employés, which deserves special recognition.

All of which is respectfully submitted.

BENJ. D. PRITCHARD,
State Treasurer.

Treasurer of the State of Michigan in Account with the State of Michigan..

DEBIT.

1882.		
Sept. 30.	To balance Sept. 30, 1881.....	\$1,793,362 07
	Receipts on account of—	
	General Fund.....	1,790,642 21
	Primary School Fund.....	213,572 50
	Primary School Interest Fund.....	22,515 00
	Swamp Land Fund.....	120,101 99
	University Fund.....	5,562 73
	University Interest Fund.....	4,521 04
	Agricultural College Fund.....	51,449 27
	Agricultural College Interest Fund.....	8,673 61
	Normal School Fund.....	1,440 00
	Normal School Interest Fund.....	757 50
	St. Mary's Canal Fund.....	2,064 53
	Specific Tax Fund.....	676,941 09
	Sundry Deposits Account.....	823 99
		<u>\$4,709,446 52</u>

General Ledger Balances.

DEBIT.

1882.		
Sept. 30.	To Cash	\$1,757,983 21
		<u>\$1,757,983 21</u>

General Fund.

DEBIT.

1882.		
Sept. 30.	To paid adjusted bonds past due.....	\$3,000 00
	" interest on two million loan bonds.....	35,610 00
	" interest on adjusted bonds.....	261 00
	" counties for taxes collected.....	345,986 86
	" " expenses of insane.....	3,242 47
	" appropriations to State institutions.....	1,264,315 63
	" awards of board of State Auditors.....	131,911 15
	" salaries.....	186,459 53
	" refunding taxes.....	59,728 24
	" expenses of courts and suits.....	2,916 97
	" " State reporter.....	158 25
	" " members of boards of State institutions.....	7,255 57
	" advertising tax sales.....	30,353 60
	" coroner's fees.....	2,466 34
	" wolf bounties.....	42 00
	" Legislature—per diem and mileage.....	16,387 86
	" " incidental expenses.....	164 89
	" " postage.....	112 32
	" " stationery.....	1,266 98
	" sundry expenses.....	1,889 58
	transfer to Primary School Fund.....	1,239 71
	" " Swamp Land Fund.....	115,849 87
	Balance.....	650,920 91
		<u>\$2,872,509 47</u>

Treasurer of the State of Michigan in Account with the State of Michigan.

CREDIT.

1882.			
Sept. 30.	By paid Auditor General's warrants on account of—		
	General Fund.....	\$2,104,496	98
	Primary School Interest Fund.....	689,884	57
	Swamp Land Fund.....	115,845	57
	University Interest Fund.....	38,430	57
	Agricultural College Interest Fund.....	28,013	82
	Normal School Interest Fund.....	4,354	47
	Sinking Fund.....	1,200	00
	St. Mary's Canal Fund.....	4	08
	Specific Tax Fund.....	9	00
	War Fund.....	20,760	83
	Sundry Deposits Account.....	611	47
	Balance.....	1,757,933	21
		\$4,709,446	52

General Ledger Balances.

CREDIT.

1882.			
Sept. 30.	By General Fund.....	\$650,920	91
	Primary School Interest Fund.....	423,394	03
	University Interest Fund.....	3,548	60
	Normal School Interest Fund.....	925	83
	Sinking Fund.....	538,000	00
	St. Mary's Canal Fund.....	68,994	12
	War Fund.....	11,708	39
	Sundry Deposits Account.....	5,516	25
		\$1,757,933	21

General Fund.

CREDIT.

1882.			
Sept. 30.	By balance Sept. 30, 1881.....	\$901,900	83
	cash—taxes, tax histories, etc.....	550,245	23
	“ asylum lands, principal and interest.....	2,495	53
	“ State building lands, principal and interest.....	3,253	75
	“ salt spring lands, principal and interest.....	1,951	17
	“ asset lands, principal and interest.....	501	39
	“ Detroit and Milwaukee railroad lands.....	1,239	71
	“ taxes on part paid lands.....	8,439	07
	“ counties—taxes collected.....	992,044	33
	“ interest on surplus funds.....	60,453	69
	“ “ specific taxes.....	813	93
	“ “ U. S. 4½ per cent bonds.....	13,500	00
	“ sales—laws and reports.....	4,157	89
	“ fees from State offices.....	4,477	63
	“ “ notaries public.....	1,064	00
	“ “ settlers.....	226	00
	“ “ State oil inspector.....	5,639	17
	“ rents—State property in Lansing.....	1,890	72
	“ peddlers' licenses.....	874	35
	“ liquor tax.....	1,300	00
	“ conscience fund.....	2	00
	“ earnings convict labor in State prison.....	83,027	81
	“ refunding—overpayment appropriations.....	3,321	90
	“ “ awards Board of Auditors.....	165	33
	“ U. S. 5 per cent sales, public lands.....	18,973	57
	“ transfer from Primary School Fund.....	214,813	21
	“ “ University Fund.....	5,563	72
	“ “ Agricultural College Fund.....	51,449	27
	“ “ Normal School Fund.....	1,440	00
	“ “ Swamp Land Fund.....	130,101	99
	“ “ Sundry Deposit Account.....	34	13
	“ “ Specific Tax Fund.....	76,666	06
		\$2,872,509	47

Specific Tax Fund.

DEBIT.

1882.			
Sept. 30.	To transfer to—		
	Primary School Interest Fund.....	\$527,906	85
	University Interest Fund.....	33,836	39
	Agricultural College Interest Fund.....	13,937	04
	Normal School Interest Fund.....	3,564	92
	War Fund.....	20,900	83
	General Fund.....	76,566	06
	Sinking Fund.....	200	00
	Paid refunding overpayment Insurance tax.....		9 00

\$576,941 09
Sinking Fund.

DEBIT.

1882.			
Sept. 30.	To paid War Bounty Loan Bond.....	\$1,000	00
	" " on " " " ".....	200	00
	" Balance.....	588,000	00
		\$589,200	00

Primary School Fund.

DEBIT.

1882.			
Sept. 30.	To transfer to General Fund.....	\$214,812	21
		\$214,812	21

Primary School Interest Fund.

DEBIT.

1882.			
Sept. 30.	To paid apportionment to counties.....	\$639,063	47
	" advertising forfeited land sales.....	185	30
	" supervisors' appraisals.....	618	80
	" examining lands.....	12	00
	Balance.....	423,594	03
		\$1,063,278	60

University Fund.

DEBIT.

1882.			
Sept. 30.	To transfer to General Fund.....	\$5,562	72

University Interest Fund.

DEBIT.

1882.			
Sept. 30.	To paid treasurer University of Michigan.....	\$33,398	47
	" advertising forfeited lands.....	5	60
	" supervisors' appraisals.....	26	50
	Balance.....	8,548	60
		\$46,979	17

Agricultural College Fund.

DEBIT.

1882.			
Sept. 30.	To transfer to General Fund.....	\$51,449	27

Specific Tax Fund.

CREDIT.

1882.			
Sept. 30.	By cash for taxes from—		
	Railroad companies.....	\$532,215	17
	Street railway companies.....	310	05
	Freight, sleeping, and palace car companies.....	1,058	94
	Fire insurance companies.....	68,628	10
	Life insurance companies.....	23,550	95
	Plate glass insurance companies.....	71	95
	Mining companies.....	41,213	39
	Telegraph companies.....	4,130	94
	Telephone companies.....	1,073	48
	Express companies.....	1,852	17
	Plank and gravel road companies.....	1,351	477
	River improvement companies.....	1,351	477
	Cornet band association.....	4	50
	Boiler inspection company.....	180	39
		<u>\$676,941</u>	<u>09</u>

Sinking Fund.

CREDIT.

1882.			
Sept. 30.	By balance Sept. 30, 1881.....	\$589,000	00
	Specific Tax Fund.....	200	00
		<u>\$589,200</u>	<u>00</u>

Primary School Fund.

CREDIT.

1882.			
Sept. 30.	By cash from purchasers of land.....	\$213,573	50
	“ transfer from General Fund.....	1,239	71
		<u>\$214,812</u>	<u>21</u>

Primary School Interest Fund.

CREDIT.

1882.			
Sept. 30.	By balance Sept. 30, 1881.....	\$505,852	45
	cash—interest on lands.....	29,504	00
	cash—rents, property in Lansing.....	11	00
	transfer from Specific Tax Fund.....	527,906	85
	transfer from Swamp Land Fund.....	4	30
		<u>\$1,063,278</u>	<u>60</u>

University Fund.

CREDIT.

1882.			
Sept. 30.	By cash from purchasers of lands.....	\$5,562	72

University Interest Fund.

CREDIT.

1882.			
Sept. 30.	By balance Sept. 30, 1881.....	\$8,621	74
	cash—interest on lands.....	4,521	04
	transfer from Specific Tax Fund.....	33,836	39
		<u>\$46,979</u>	<u>17</u>

Agricultural College Fund.

CREDIT.

1882.			
Sept. 30.	By cash from purchasers of lands.....	\$51,449	27

Agricultural College Interest Fund.

DEBIT.

1882.			
Sept. 30.	To paid treasurer of Agricultural College.....	\$25,891 62	
	" advertising forfeited lands.....	28 90	
	" supervisors' appraisals.....	93 30	
		<u>\$26,013 82</u>	

Normal School Fund.

DEBIT.

1881.			
Sept. 30.	To transfer to General Fund.....	1,440 00	

Normal School Interest Fund.

DEBIT.

1882.			
Sept. 30.	To paid treasurer of Normal School.....	\$4,333 52	
	" advertising forfeited lands.....	2 98	
	" supervisors' appraisals.....	12 97	
	Balance.....	925 88	
		<u>\$5,280 35</u>	

Swamp Land Fund.

DEBIT.

1882.			
Sept. 30.	To paid salary State Swamp Land Commissioner and clerk.....	\$1,178 06	
	" expenses " " ".....	1,392 44	
	" advertising forfeited lands.....	398 86	
	" supervisors' appraisals.....	228 95	
	" examining homesteads.....	6 50	
	refunded, sold in error.....	200 14	
	swamp land warrants.....	112,440 62	
	transfer to General Fund.....	130,101 99	
	" " Primary School Fund.....	4 30	
		<u>\$245,951 86</u>	

St. Mary's Canal Fund.

DEBIT.

1882.			
Sept. 30.	To paid expenses of canal.....	\$4 03	
	" balance.....	68,924 12	
		<u>\$68,928 15</u>	

War Fund.

DEBIT.

1882.			
Sept. 30.	To paid interest on bonds.....	\$20,760 83	
	" balance.....	11,708 39	
		<u>\$32,469 22</u>	

Sundry Deposits Account.

DEBIT.

1882.			
Sept. 30.	To paid Primary School Deposits.....	\$109 25	
	" Primary School Interest Deposits.....	4 83	
	" Agricultural College Deposits.....	153 24	
	" Swamp Land Deposits.....	239 94	
	" Swamp Land Interest Deposits.....	4 21	
	transfer to General Fund.....	34 13	
	Balance.....	5,516 25	
		<u>\$6,061 88</u>	

Agricultural College Interest Fund.

CREDIT.

1882.			
Sept. 30.	By balance Sept. 30, 1881.....		\$3,384 17
	cash—interest on lands.....		8,672 61
	transfer from Specific Tax Fund.....		13,967 04
			<u>\$26,013 82</u>

Normal School Fund.

CREDIT.

1882.			
Sept. 30.	By cash from purchasers of lands.....		\$1,440 00

Normal School Interest Fund.

CREDIT.

1882.			
Sept. 30.	By balance Sept. 30, 1881.....		\$967 93
	cash—interest on lands.....		767 60
	transfer from Specific Tax Fund.....		3,564 92
			<u>\$5,290 35</u>

Swamp Land Fund.

CREDIT.

1882.			
Sept. 30.	By cash from purchasers of lands	\$13,235 54	
	" interest.....	3,096 83	
	" trespass collections.....	1,729 00	
	swamp land warrants.....	112,440 62	
	transfer from General Fund.....	115,849 87	
			<u>\$245,951 86</u>

St. Mary's Canal Fund.

CREDIT.

1882.			
Sept. 30.	By balance Sept. 30, 1881.....	\$66,843 62	
	" cash—furniture sold.....	2,084 58	
			<u>\$68,928 15</u>

War Fund.

CREDIT.

1882.			
Sept. 30.	By balance Sept. 30, 1881.....	\$11,563 39	
	" transfer from Specific Tax Fund.....	20,900 83	
			<u>\$32,464 22</u>

Sundry Deposits Account.

CREDIT.

1882.			
Sept. 30.	By balance Sept. 30, 1881.....	\$5,237 89	
	cash, Primary School Deposits.....	404 85	
	" Primary School Interest Deposits.....	4 83	
	" Swamp Land Deposits.....	160 00	
	" Swamp Land Interest Deposits.....	4 21	
	" Agricultural College Deposits.....	250 00	
			<u>\$6,061 88</u>

REPORTS OF STATE BANKS, JULY 3, 1882.

RESOURCES.

NAME OF BANK.	LOCATION.	Loans and Discounts.	Bonds and Mortgages.	Cash and Cash Items.	Real Estate and Fixtures.	Due from Banks and Bankers.	Expenses.	Overdrafts.	Total.
Bay City Bank.....	Bay City.....	\$483,651 79	.....	\$33,462 20	\$9,124 64	\$77,213 01	.....	\$1,933 48	\$905,386 12
City Bank of Battle Creek.....	Battle Creek.....	389,335 45	.....	37,871 55	2,800 00	49,135 46	.....	3,676 25	452,819 01
Commercial Bank.....	Port Huron.....	132,110 14	.....	12,639 06	1,642 72	31,451 81	.....	376 56	180,406 19
German American Bank.....	Detroit.....	437,387 92	.....	137,273 55	2,060 00	172,115 80	.....	1,112 66	812,143 56
Jackson City Bank.....	Jackson.....	551,102 54	.....	99,351 39	10,000 00	78,980 17	.....	4,608 84	744,492 81
Jackson County Bank.....	Jackson.....	15,532 66	.....	924 04	1,260 00	1,640 65	.....	.....	19,347 35
Ludington State Bank.....	Ludington.....	74,553 25	750 00	17,226 50	3,800 00	49,103 90	.....	331 76	149,354 82
Lumberman's State Bank.....	West Bay City.....	171,115 26	.....	9,458 15	1,390 00	109 55	.....	.....	183,069 23
Market Bank.....	Detroit.....	162,627 63	.....	33,834 21	2,873 89	6,041 87	.....	150 86	208,064 75
Mechanics' Bank.....	Detroit.....	624,415 96	24,138 77	58,637 69	11,336 48	91,226 95	.....	8,311 52	818,067 37
Merchants and Miners' Bank.....	Calumet.....	179,307 91	25,425 00	81,298 00	3,800 00	91,077 93	.....	310 87	382,219 71
People's Bank.....	Manchester.....	92,000 51	.....	4,739 98	13,688 20	22,928 18	.....	1,665 73	135,022 70
State Bank.....	Fenton.....	56,932 27	.....	20,028 98	1,839 92	25,793 90	.....	.....	105,244 07
Totals.....	.....	\$3,340,063 49	\$108,693 77	\$548,145 47	\$66,184 95	\$696,768 97	\$21,622 71	\$14,167 03	\$4,795,666 39

LIABILITIES.

NAME OF BANK.	LOCATION.	Capital.	Surplus.	Due Banks and Bankers.	Due Depositors.	Profit and Loss.	Re-Discounts.	Interest and Exchange.	Total.
Bay City Bank.....	Bay City.....	\$100,000 00	\$14,000 00	.....	\$486,625 89	\$4,769 23	.....	.....	\$905,386 12
City Bank of Battle Creek.....	Battle Creek.....	50,000 00	43,445 74	.....	359,373 27	3,630 16	.....	.....	452,819 01
Commercial Bank.....	Port Huron.....	50,000 00	.....	.....	129,775 03	3,630 16	.....	.....	180,406 19
German American Bank.....	Detroit.....	160,000 00	.....	.....	697,164 52	14,979 84	.....	.....	812,143 90
Jackson City Bank.....	Jackson.....	100,000 00	150,000 00	\$1,035 75	477,869 50	15,697 56	.....	.....	744,492 81
Jackson County Bank.....	Jackson.....	10,200 00	.....	.....	8,674 76	473 59	.....	.....	19,347 35
Ludington State Bank.....	Ludington.....	25,000 00	380 25	.....	116,541 27	7,422 79	.....	.....	149,354 82
Lumberman's State Bank.....	West Bay City.....	28,450 00	10,000 00	7,693 39	79,847 44	.....	.....	\$66 62	183,069 23
Market Bank.....	Detroit.....	98,750 00	.....	.....	102,886 35	6,428 40	.....	.....	208,064 75
Mechanics' Bank.....	Detroit.....	100,000 00	36,157 17	.....	654,457 41	27,472 79	.....	.....	818,067 37
Merchants and Miners' Bank.....	Calumet.....	35,000 00	14,000 00	29,600 90	295,855 53	7,763 28	.....	.....	382,219 71
People's Bank.....	Manchester.....	50,000 00	.....	.....	50,680 70	4,392 00	.....	.....	135,022 70
State Bank.....	Fenton.....	50,000 00	.....	.....	55,121 25	123 73	.....	.....	105,244 07
Totals.....	.....	\$797,400 00	\$231,836 00	\$74,467 21	\$3,541,812 92	\$93,051 86	\$57,011 78	\$66 62	\$4,795,666 39

REPORTS OF SAVINGS BANKS, OCTOBER 2, 1892.

RESOURCES.

NAME OF BANK.	LOCATION.	Loans and Discounts.	Bonds and Mortgages.	Cash and Cash Items.	Real Estate and Fixtures.	Due from Banks and Bankers.	Expenses.	Overdrafts.	Total.
Adrian Savings Bank.....	Adrian.....	\$92,809 61	.....	\$12,628 60	\$12,698 30	\$3,281 80	\$3,492 64	\$146 32	\$125,053 27
Ann Arbor Savings Bank.....	Ann Arbor.....	280,415 87	167,807 86	45,643 10	5,930 85	42,089 47	1,024 81	2,249 89	643,081 85
Central Michigan Savings Bank.....	Lansing.....	232,906 39	21,280 00	19,117 37	1,404 74	19,881 25	1,121 68	3,430 88	298,642 11
Chelsea Savings Bank.....	Chelsea.....	106,497 64	235 03	14,380 88	1,929 97	6,649 01	746 13	10,833 30	141,191 85
Detroit Savings Bank.....	Detroit.....	1,698,727 49	428,200 00	214,242 49	56,320 70	475,702 98	9,783 73	891 42	2,877,768 80
Genesee County Savings Bank.....	Flint.....	140,269 62	23,223 40	14,709 96	62,071 82	17,554 61	1,300 78	.....	380,941 18
Grand Rapids Savings Bank.....	Grand Rapids.....	198,072 55	9,404 12	14,709 96	.....	22,193 67	1,359 20	976 08	306,735 90
Lenawee County Savings Bank.....	Adrian.....	6,765 87	438,086 57	18,463 64	1,231 66	54,661 05	.....	.....	590,167 89
Michigan Savings Bank.....	Detroit.....	283,914 60	415,865 95	38,690 18	3,196 00	96,723 84	563 13	.....	841,143 77
Mt. Clemens Savings Bank.....	Mt. Clemens.....	175,684 00	.....	9,675 65	12,600 00	4,514 84	.....	155 60	202,993 72
The People's Savings Bank.....	Detroit.....	2,453,492 35	87,060 00	228,806 61	77,915 41	301,088 00	6,711 26	2,556 99	3,160,869 36
Port Huron Savings Bank.....	Port Huron.....	533,967 23	.....	12,667 95	1,040 22	144,899 84	.....	4,187 52	623,464 61
Wayne County Savings Bank.....	Detroit.....	2,926,108 23	.....	615,419 50	114,228 12	.....	4,076 95	.....	3,609,829 80
West Michigan Savings Bank.....	Bangor.....	62,909 28	.....	8,186 76	81 80	2,551 03	.....	.....	74,354 27
Wyandotte Savings Bank.....	Wyandotte.....	122,239 74	.....	2,969 22	1,756 57	23,643 73	90 17	.....	160,529 43
Totals.....	.....	\$9,143,104 29	\$1,708,738 15	\$1,278,405 40	\$344,186 66	\$1,214,673 52	\$34,229 89	\$25,448 00	\$13,748,786 91

LIABILITIES.

NAME OF BANK.	LOCATION.	Capital.	Surplus.	Due Banks.	Due Depositors.	Profit and Loss.	Interest and Exchange.	Total.
Adrian Savings Bank.....	Adrian.....	\$5,000 00	.....	.....	\$120,082 27	.....	.....	\$125,082 27
Ann Arbor Savings Bank.....	Ann Arbor.....	50,000 00	\$20,000 00	.....	464,286 04	.....	.....	643,081 85
Central Michigan Savings Bank.....	Lansing.....	48,000 00	.....	.....	247,298 87	\$3,373 24	.....	298,642 11
Chelsea Savings Bank.....	Chelsea.....	60,000 00	1,904 17	.....	87,769 04	1,518 74	.....	141,191 85
Detroit Savings Bank.....	Detroit.....	200,000 00	54,260 76	\$28,338 95	2,641,993 89	58,184 20	.....	2,877,768 80
Genesee County Savings Bank.....	Flint.....	100,000 00	7,000 00	464 77	217,646 56	6,929 85	.....	380,941 18
Grand Rapids Savings Bank.....	Grand Rapids.....	50,000 00	.....	288 73	231,479 88	27,017 23	.....	306,735 90
Lenawee County Savings Bank.....	Adrian.....	60,000 00	12,500 00	.....	482,674 69	14,998 20	.....	690,167 89
Michigan Savings Bank.....	Detroit.....	74,000 00	.....	.....	749,876 23	17,168 54	.....	841,143 77
Mt. Clemens Savings Bank.....	Mt. Clemens.....	50,000 00	5,000 00	.....	141,573 50	6,420 23	.....	202,993 72
The People's Savings Bank.....	Detroit.....	250,000 00	25,000 00	81,663 41	2,760,083 10	6,633 73	34,742 85	3,160,869 36
Port Huron Savings Bank.....	Port Huron.....	100,000 00	12,633 00	1,902 86	891,634 62	.....	12,280 28	623,464 61
Wayne County Savings Bank.....	Detroit.....	150,000 00	.....	.....	3,374,092 96	1,659 20	135,768 84	3,609,829 80
West Michigan Savings Bank.....	Bangor.....	25,000 00	500 00	.....	47,296 07	.....	.....	74,354 27
Wyandotte Savings Bank.....	Wyandotte.....	50,000 00	.....	.....	97,496 07	3,098 36	.....	160,529 43
Totals.....	.....	\$1,232,100 00	\$138,757 93	\$111,459 84	\$11,905,000 79	\$139,801 87	\$191,545 78	\$13,748,786 91

REPORT of the condition of the Bay City Bank at Bay City, Michigan at the close of business, July 3d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$183,661 79
Overdrafts.....	1,983 48
Cash Items.....	1,831 99
Due from Banks and Bankers.....	77,918 01
Real Estate.....	6,824 64
Revenue Stamps.....	50 30
Furniture and Fixtures.....	2,380 00
Fractional Currency, and Coin.....	4,568 91
Legal Tender and Bank Notes.....	26,711 00
	<u>\$605,995 12</u>

LIABILITIES.	
Capital.....	\$100,000 00
Surplus.....	14,000 00
Due Depositors.....	486,525 89
Profit and Loss.....	4,769 23
Dividends Unpaid.....	100 00
	<u>\$605,995 12</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

GEO. H. YOUNG, *Cashier.*

Subscribed and sworn to before me this sixth day of July, 1882.

WILLIAM A. YOUNG, *Notary Public.*

REPORT of the condition of the City Bank of Battle Creek, at Battle Creek, Michigan, at the close of business, Monday, July 3d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$359,335 45
Overdrafts.....	3,678 25
Cash Items.....	1,136 76
Due from Banks and Bankers.....	49,185 46
Furniture and Fixtures.....	2,900 00
Fractional, Silver.....	146 09
Legal Tender and Bank Notes.....	36,589 00
	<u>\$452,819 01</u>

LIABILITIES.	
Capital.....	\$50,000 00
Surplus.....	45,445 74
Due Depositors.....	356,873 27
Dividend account.....	2,500 00
	<u>\$452,819 01</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

BRAINARD T. SKINNER, *Cashier.*

Subscribed and sworn to before me this third day of July, 1882.

FREDERICK A. ALLWARDT, *Notary Public.*

REPORT of the condition of the Commercial Bank of Port Huron, Michigan, at the close of business July 1st, A. D., 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$182,110 14
Overdrafts.....	878 56
Cash Items.....	388 75
Due from Banks and Bankers.....	31,451 61
Gold and Silver.....	1,400 25
Revenue Stamps.....	54 10
Furniture and Fixtures.....	1,642 72
Fractional Currency.....	288 96
Expenses.....	2,185 10
Legal Tender and Bank Notes.....	10,529 00
	<u>\$180,405 19</u>

LIABILITIES.

Capital.....	\$50,000 00
Due Depositors.....	128,775 08
Profit and Loss.....	3,630 16
	<u>\$180,405 19</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

JOHN W. PORTER, *Cashier.*

Subscribed and sworn to before me, this first day of July, 1882.

CHAS. N. RUNNELS, *Notary Public.*

REPORT of the condition of the German American Bank at Detroit, Michigan, at the close of business July 3d, A. D. 1882.

RESOURCES.

Loans and Discounts.....	\$437,387 92
Overdrafts.....	1,112 66
Revenue Stamps.....	241 00
Furniture and Fixtures.....	2,050 00
Expenses.....	4,843 93
Premiums.....	1,880 00
County and City Bonds.....	55,500 00
Due from Banks and Bankers.....	172,115 80
Cash on hand.....	137,032 55
	<u>\$812,143 86</u>
Capital.....	\$100,000 00
Profit and Loss, etc.....	14,979 34
Deposits.....	697,164 52
	<u>\$812,143 86</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

HENRY L. KANTER, *Cashier.*

Subscribed and sworn to before me, this seventh day of July, 1882.

EPHRAIM K. ROBERTS, *Notary Public.*

REPORT of the condition of the Jackson City Bank, at Jackson, Michigan, at the close of business, July 1st, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$551,102 54
Overdrafts.....	4,608 84
Due from Banks and Bankers.....	78,930 17
Real Estate, Banking House, Safe, and Fixtures.....	10,000 00
Revenue Stamps.....	68 24
Checks on other Banks.....	3,734 79
Legal Tender, Bank Notes and Silver Certificates.....	68,102 00
Coin.....	27,946 23
	<u>\$744,492 81</u>

LIABILITIES.

Capital.....	\$100,000 00
Surplus.....	100,000 00
Reserve Fund.....	50,000 00
Due Banks and Bankers.....	1,035 75
Due Depositors.....	477,859 50
Profit and Loss.....	15,597 56
	<u>\$714,492 81</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

BENJ. NEWKIRK, *Cashier.*

Subscribed and sworn to before me this fifth day of July, 1882.

GILBERT R. BYRNE, *Notary Public.*

REPORT of the condition of the Jackson County Bank at Jackson, Michigan, at the close of business July 1st, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$15,532 65
Stock Subscription.....	39,800 00
Due from Banks and Bankers.....	1,640 65
Furniture and Fixtures.....	1,250 00
Legal Tender, Bank Notes and Coin.....	924 04
	<u>\$59,147 35</u>

LIABILITIES.

Capital.....	\$50,000 00
Due Depositors.....	8,674 76
Profit and Loss.....	472 59
	<u>\$59,147 35</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

HENRY V. PERRIN, *Cashier.*

Subscribed and sworn to before me this twelfth day of July, 1882.

A. J. GOULD, *Notary Public.*

REPORT of the condition of the Ludington State Bank at Ludington, Michigan, at the close of business July 3d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$74,653 25
Overdrafts.....	331 78
Due from Banks and Bankers.....	49,103 99
Real Estate.....	3,000 00
Furniture and Fixtures.....	800 00
Expenses.....	3,198 88
Legal Tender and Bank Notes.....	17,526 60
Bonds.....	750 00
Unpaid Stock.....	25,000 00
	<u>\$174,354 82</u>

LIABILITIES.

Capital.....	\$50,000 00
Surplus.....	390 26
Due Depositors.....	116,541 27
Profit and Loss.....	7,422 79
	<u>\$174,354 82</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CHAS. BLAIN, *Cashier.*

Subscribed and sworn to before me, this fifth day of July, 1882.

GEO. N. STRAY, *Notary Public.*

REPORT of the condition of the Lumberman's State Bank, at West Bay City, Michigan, at the close of business, July 3d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$171,115 26
Due from Banks and Bankers.....	109 55
Furniture and Fixtures.....	1,930 00
Expenses.....	456 27
Legal Tender and Bank Notes.....	9,458 15
	<u>\$185,069 23</u>

LIABILITIES.

Capital.....	\$28,450 00
Surplus.....	10,000 00
Due other Banks.....	7,693 39
Due Depositors.....	78,424 94
Dividends Unpaid.....	1,422 50
Interest and Exchange.....	66 62
Bills Re-discounted.....	57,011 78
	<u>\$185,069 23</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

H. H. NORRINGTON, *Cashier*

Subscribed and sworn to before me, this eighth day of July, 1882.

STEPHEN P. FLYNN,
Notary Public in and for Bay County, Michigan.

REPORT of the condition of the Market Bank, at Detroit, Michigan, at the close of business, July 3d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$162,527.83
Overdrafts.....	150.86
Cash in Vault.....	33,883.35
Due from Banks and Bankers.....	6,041.87
Due from Stockholders.....	1,250.00
Revenue Stamps.....	150.86
Furniture and Fixtures.....	2,872.89
Expenses.....	2,637.09
	<u>\$209,314.75</u>

LIABILITIES.

Capital.....	\$100,000.00
Due Depositors.....	102,886.35
Profit and Loss.....	6,428.40
	<u>\$209,314.75</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

W. H. TRAINER, *Cashier.*

Subscribed and sworn to before me this fifth day of July, 1882.

KARL SCHMEMMANN, *Notary Public.*

REPORT of the condition of the Mechanics' Bank at Detroit, Michigan, at the close of business July 1st, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$624,415.96
Cash Items.....	307.60
Due from Banks and Bankers.....	91,226.95
Real Estate.....	10,436.48
Revenue Stamps.....	76.61
Furniture and Fixtures.....	900.00
Expenses and Taxes.....	8,311.62
Legal Tender Bank Notes and Checks on other Banks.....	57,753.48
City and County Bonds.....	23,629.32
Premiums.....	629.45
	<u>\$818,087.37</u>

LIABILITIES.

Capital.....	\$100,000.00
Due other Banks.....	38,157.17
Due Depositors.....	654,487.41
Profit and Loss.....	27,472.79
	<u>\$818,087.37</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

E. H. BUTLER, *Cashier.*

Subscribed and sworn to before me this third day of July, 1882.

FRED. E. BUTLER, *Notary Public.*

REPORT of the condition of the Merchants and Miners' Bank at Oubinet, Michigan, at the close of business June 30th, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$179,387 92
Overdrafts.....	310 87
Cash Items.....	1,807 72
Due from Banks and Bankers.....	91,677 23
Real Estate.....	3,900 00
Revenue Stamps.....	41 30
Furniture and Fixtures.....	600 00
Specie, gold.....	18,539 00
Specie, Silver and Nickels.....	1,508 20
Legal Tender and Bank Notes.....	61,331 00
United States Reg. 4½ Bonds, (par).....	25,000 00
Premium Account.....	1,435 00
Stock subscriptions payable on call.....	15,000 00
	<u>\$307,219 71</u>

LIABILITIES.

Capital.....	\$50,000 00
Surplus.....	14,000 00
Due other Banks.....	14,500 92
Due Depositors.....	226,820 53
Profit and Loss.....	1,703 20
Dividends Unpaid.....	35 00
Collection account, (eastern exchange in transit).....	15,040 00
	<u>\$307,219 71</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

HENRY S. COLTON, *Cashier.*

Subscribed and sworn to before me, this fifth day of July, 1882.

STEPHEN PAULL, *Notary Public.*

REPORT of the condition of the People's Bank, at Manchester, Michigan, at the close of business, July 3d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$92,000 51
Overdrafts.....	1,063 73
Cash Items.....	54 40
Due from Banks and Bankers.....	22,925 18
Real Estate.....	12,500 00
Revenue Stamps.....	4 50
Furniture and Fixtures.....	1,188 30
Fractional Currency.....	310 03
Legal Tender and Bank Notes.....	4,571 00
	<u>\$135,022 70</u>

LIABILITIES.

Capital.....	\$50,000 00
Due Depositors.....	80,630 70
Profit and Loss.....	4,392 00
	<u>\$135,022 70</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

S. N. CLARESON, *Cashier.*

Subscribed and sworn to before me, this fifth day of July, 1882.

A. E. HEWETT, *Notary Public.*

REPORT of the condition of the State Bank, at Fenton, Michigan, at the close of business, July 3d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$36,982 27
Cash Items.....	907 89
Due from Banks and Bankers.....	25,793 80
Revenue Stamps.....	22 90
Furniture and Fixtures.....	1,899 92
Fractional Silver and Coppers.....	1,845 09
Legal Tender and Bank Notes.....	18,353 00
	<u>\$105,244 97</u>

LIABILITIES.

Capital.....	\$50,000 00
Due Depositors.....	55,121 22
Profit and Loss.....	123 70
	<u>\$105,244 97</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

J. BUCKBEE, *President.*

Subscribed and sworn to before me, this fifth day of July, 1882.

WM. GUEST, *Notary Public.*

REPORT of the condition of the Adrian Savings Bank, at Adrian, Michigan, at the commencement of business, Monday, October 2d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$92,809 61
Overdrafts.....	146 32
Cash Items.....	1,662 10
Due from Banks and Bankers.....	3,281 80
Real Estate.....	12,400 00
Unpaid Stock.....	5,000 00
Furniture and Fixtures.....	298 39
Interest Account.....	2,764 89
Expenses.....	727 75
Legal Tender and Bank Notes.....	8,980 00
Coin.....	1,986 50
	<u>\$130,062 27</u>

LIABILITIES.

Capital Subscribed.....	\$10,000 00
Due Depositors.....	120,062 27
	<u>\$130,062 27</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

HEMAN LOOMIS, *Treasurer.*

Subscribed and sworn to before me this tenth day of October, 1882.

GEORGE W. LASWILL, *Notary Public.*

REPORT of the condition of the Ann Arbor Savings Bank at Ann Arbor, Michigan, at the close of business Monday, Oct. 2d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$280,415 87
Overdrafts.....	2,249 89
Due from Banks and Bankers.....	42,069 47
Revenue Stamps.....	90 00
Furniture and Fixtures.....	3,930 85
Silver Coin and Nickels.....	2,556 10
Expenses.....	1,624 81
Legal Tender, Bank Notes, and Gold Coin.....	42,897 00
Bonds and Mortgages.....	156,207 86
" U. S. 4 per cents.....	11,100 00
	<u>\$543,061 85</u>

LIABILITIES.

Capital.....	\$50,000 00
Surplus.....	20,000 00
Dividends Unpaid.....	550 00
Due Depositors.....	463,786 04
Profit and Loss, Interest and Exchange.....	8,775 81
	<u>\$543,061 85</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CHAS. E. HISCOCK, *Cashier.*

Subscribed and sworn to before me this third day of October, 1882.

ADAM D. SEYLER, *Notary Public.*

REPORT of the condition of the Central Michigan Savings Bank, at Lansing, Michigan, at the close of business Sept. 30th, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$232,906 89
Overdrafts.....	3,430 88
Cash Items.....	1,872 96
Due from Banks and Bankers.....	19,331 25
Revenue Stamps.....	8 10
Furniture and Fixtures.....	1,404 74
Fractional Currency.....	442 81
Expenses.....	1,121 58
Legal Tender and Bank Notes, including Gold.....	12,765 00
Bonds, Government.....	550 00
" Municipal.....	20,445 00
Premiums paid.....	235 00
Bills in Transit.....	4,528 40
	<u>\$298,642 11</u>

LIABILITIES.

Capital paid in.....	\$43,000 00
Due Depositors.....	247,203 87
Profit and Loss.....	3,573 24
	<u>\$293,642 11</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

Subscribed and sworn to before me this fourth day of October, 1882, _____, *Cashier.*

N. B. JONES, *Notary Public.*

REPORT of the condition of the Chelsea Savings Bank, at Chelsea, Michigan, at the close of business, Oct. 2d, A. D. 1882, made in accordance with Sections 18, 19 and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$106,497.64
Overdrafts.....	10,853.30
Cash Items.....	683.49
Due from Banks and Bankers.....	6,549.01
Revenue Stamps.....	4.46
Furniture and Fixtures.....	1,929.97
Coin.....	381.93
Expenses.....	746.12
Legal Tender and Bank Notes.....	18,261.00
Premium account.....	286.03
	<u>\$141,191.95</u>

LIABILITIES.

Capital.....	\$50,000.00
Surplus.....	1,904.17
Due Depositors.....	87,769.04
Profit and Loss.....	1,518.74
	<u>\$141,191.95</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
GEO. S. GLAZIER, *Cashier.*

Subscribed and sworn to before me this fourth day of October, 1882.
THEO. E. WOOD, *Notary Public.*

REPORT of the condition of the Detroit Savings Bank, at Detroit, Michigan, at the close of business, Monday, October 2d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$1,698,727.49
Overdrafts.....	891.42
Cash Items.....	8,554.84
Due from Banks and Bankers.....	475,702.98
Real Estate.....	42,772.26
Revenue Stamps.....	350.00
Furniture, Safes, and Fixtures.....	7,448.44
Fractional Currency, Fractional Silver, Nickels, and Pennies.....	2,333.65
Expenses and Taxes Paid.....	8,783.73
Legal Tender and Bank Notes.....	152,117.00
Bonds—U. S.....	\$140,200.00
Detroit City.....	201,000.00
Wayne County.....	50,000.00
All others.....	37,000.00
	<u>428,200.00</u>
Gold Coin.....	38,433.50
Standard Silver Dollars.....	12,554.00
	<u>\$2,877,768.80</u>

LIABILITIES.

Capital.....	\$200,000.00
Surplus.....	54,250.76
Due other Banks.....	28,639.86
Due Depositors.....	2,541,998.69
Profit and Loss.....	58,184.20
	<u>\$2,877,768.80</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
E. BOWMAN, *Cashier.*

Subscribed and sworn to before me this third day of October, 1882.
R. E. JAMESON, *Notary Public.*

REPORT of the condition of the Genesee County Savings Bank, at Flint, Michigan, at the close of business, Monday, October 2d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$148,602 87
Cash Items.....	1,898 25
Due from Banks and Bankers.....	17,554 51
Revenue Stamps.....	29 00
Fractional Currency.....	498 65
Expenses.....	1,300 78
Legal Tender and Bank Notes.....	14,542 00
Gold Coin.....	6,455 50
Bonds, City of Flint School.....	7,300 00
" U. S.	300 00
Mortgages.....	182,659 62
	<u>\$330,941 18</u>

LIABILITIES.

Capital.....	\$100,000 00
Surplus.....	7,000 00
Due other Banks.....	454 77
Due Depositors.....	217,386 56
Profit and Loss.....	5,929 85
Dividends Unpaid.....	150 00
	<u>\$330,941 18</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
IRA H. WILDER, *Cashier.*

Subscribed and sworn to before me, this third day of October, 1882.

ARTHUR G. BISHOP, *Notary Public.*

REPORT of the condition of the Grand Rapids Savings Bank, at Grand Rapids, Michigan, at the close of business, October 2d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$198,072 55
Overdrafts.....	976 08
Cash Items.....	848 95
Due from Banks and Bankers.....	22,182 67
Real Estate.....	19,523 50
Furniture and Fixtures.....	2,345 00
Fractional Currency, Gold, Silver, Nickels, etc.....	4,888 01
Expenses.....	1,359 20
Legal Tender and Bank Notes.....	9,463 00
Bonds, U. S. 4%.....	5,000 00
Premium on same.....	379 12
Real Estate.....	40,202 82
Land Contracts.....	5,150 00
Stocks.....	875 00
	<u>\$308,785 90</u>

LIABILITIES.

Capital.....	\$50,000 00
Due other Banks.....	258 73
Due Depositors.....	230,141 75
Profit and Loss.....	24,791 57
Other Undivided Profits.....	2,225 72
Dividends Unpaid.....	1,368 13
	<u>\$308,785 90</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

DANA B. SHEDD, *Cashier.*

Subscribed and sworn to before me, this fourth day of October, 1882.

C. A. WALL, *Notary Public.*

REPORT of the condition of the Lenawee County Savings Bank, at Adrian, Michigan, at the close of business, October 2d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Bonds and Mortgages.....	\$375,077 82
Bills Receivable, Secured by Collaterals.....	6,755 87
Cash.....	13,514 96
Due from Banks and Bankers.....	54,651 05
Real Estate.....	221 56
Revenue Stamps.....	39 16
Furniture and Fixtures.....	1,000 00
Real Estate Contracts.....	14,773 08
Expenses and Revenue Tax.....	5,089 72
Bonds, School District.....	13,909 67
" County, City, and Township.....	35,325 00
	<u>\$320,167 89</u>

LIABILITIES.

Capital.....	\$60,000 00
Surplus.....	12,500 00
Due Depositors.....	432,674 69
Profit and Loss.....	14,993 20
	<u>\$320,167 89</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

H. V. C. HART, *Cashier.*

Subscribed and sworn to before me, this fourth day of October, 1882.

WM. DUTTON, *Notary Public.*

REPORT of the condition of the Michigan Savings Bank at Detroit, Michigan, at the close of business October 2d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans on Real Estate.....	\$361,995 00
Loans on Collaterals and Discounts.....	283,914 60
Cash Items, including Checks on other Banks.....	5,239 64
Due from Banks and Bankers.....	90,723 84
Revenue Stamps.....	25 75
Furniture and Fixtures.....	3,195 00
Fractional Currency and Silver.....	4,016 09
Expenses and Taxes.....	2,354 20
Gold Coin, Legal Tender, and Bank Notes.....	29,805 70
Bonds, United States.....	10,000 00
" Michigan and County.....	20,678 00
" City and School.....	21,527 75
Premium on Bonds.....	1,665 20
	<u>\$841,143 77</u>

LIABILITIES.

Capital paid in.....	\$74,100 00
Due Depositors.....	749,875 23
Profit and Loss.....	17,168 54
	<u>\$841,143 77</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

SAM'L R. MUMFORD, *Treasurer.*

Subscribed and sworn to before me this fourth day of October, 1882.

PETER J. SCHULTE, *Notary Public.*

REPORT of the condition of the Mt. Clemens Savings Bank at Mt. Clemens, Michigan, at the close of business, Monday, Oct. 2d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$175,684 00
Overdrafts.....	155 60
Cash Items.....	586 25
Due from Banks and Bankers.....	4,514 84
Real Estate.....	10,000 00
Revenue Stamps.....	77 22
Furniture and Fixtures.....	2,500 00
Fractional Currency.....	520 86
Expenses.....	563 13
Legal Tender and Bank Notes.....	8,185 00
Bills in Transit.....	212 82
	<u>\$202,992 72</u>

LIABILITIES.

Capital.....	\$50,000 00
Surplus.....	5,000 00
Due Depositors.....	141,582 60
Profit and Loss.....	6,490 23
Dividend Unpaid.....	50 00
	<u>\$202,992 72</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

GEO. A. SKINNER, *Cashier.*

Subscribed and sworn to before me, this fifth day of October, 1882.

GEORGE OTT SANGERSHAUSEN, *Notary Public.*

REPORT of the condition of The People's Savings Bank, at Detroit, Michigan, at the close of business, October 2d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Discounts and Loans on Real Estate and other Approved Collaterals.....	\$2,453,492 85
Overdrafts.....	2,556 99
Checks on City Banks.....	18,659 62
Due from Banks and Bankers.....	801,088 00
Real Estate.....	72,915 41
Revenue Stamps.....	303 00
Furniture and Fixtures.....	5,000 00
Gold, Silver, etc.....	3,845 99
Legal Tender and Bank Notes.....	206,968 00
Bonds, United States.....	40,150 00
" St. Clair and Bay Counties.....	19,600 00
" School, Town, etc.....	27,400 00
	<u>\$3,150,859 86</u>

LIABILITIES.

Capital.....	\$50,000 00
Surplus.....	25,000 00
Due other Banks.....	81,063 41
Due Depositors.....	2,780,063 10
Interest and Collections.....	34,742 85
	<u>\$3,150,859 86</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

M. W. O'BRIEN, *Cashier.*

Subscribed and sworn to before me, this third day of October, 1882.

F. A. SCHULTE, *Notary Public.*

REPORT of the condition of the Port Huron Savings Bank, at Port Huron, Michigan, at the close of business, October 2d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.

Loans and Discounts.....	\$353,967 82
Overdrafts.....	4,187 52
Cash Items.....	2,889 95
Due from Banks and Bankers.....	114,889 84
Furniture and Fixtures.....	1,040 22
Expenses.....	6,711 28
Legal Tender and Bank Notes.....	8,267 00
Silver.....	570 00
Gold.....	941 00
	<u>\$523,464 61</u>

LIABILITIES.

Capital.....	\$100,000 00
Surplus.....	12,633 00
Due other Banks.....	1,303 96
Due Depositors.....	391,634 62
Profit and Loss.....	5,004 50
Interest, Collection and Exchange.....	12,280 28
Real Estate.....	539 23
	<u>\$523,464 61</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CHAS. F. HARRINGTON, Cashier.

Subscribed and sworn to before me, this third day of October, 1882.

C. D. THOMPSON, Notary Public.

REPORT of the condition of the Wayne County Savings Bank at Detroit, Michigan, at the close of business, Monday, October 2d, 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law of Michigan as amended in 1871.

RESOURCES.

Cash on hand and on Deposit in other Banks.....	\$613,711 50
Loans on Real Estate, Collaterals and Bonds.....	2,928,108 23
Expenses.....	4,078 95
Furniture Account.....	4,225 12
Collections in Transit.....	1,708 00
Banking House and Lot.....	110,000 00
	<u>\$3,659,829 80</u>

LIABILITIES.

Capital Stock.....	\$150,000 00
Due Depositors.....	2,374,083 96
Interest, Premium, Foreign Exchange, and Rents.....	185,766 84
	<u>\$3,659,829 80</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

S. D. ELWOOD, Treasurer.

Subscribed and sworn to before me, this second day of October, 1882.

JOHN COLLINS, Notary Public.

REPORT of the condition of the West Michigan Savings Bank at Bangor, Michigan, at the close of business Oct. 2d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$62,909 28
Cash Items.....	261 00
Due from Banks and Bankers.....	2,551 03
Revenue Stamps.....	81 90
Furniture and Fixtures.....	87 86
Fractional Currency and Coin.....	837 89
Expenses.....	675 33
Legal Tender and Bank Notes.....	7,000 00
	<u>\$74,354 27</u>

LIABILITIES.	
Capital.....	\$25,000 00
Surplus.....	500 00
Due Depositors.....	47,295 07
Profit and Loss.....	1,559 20
	<u>\$74,354 27</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
A. B. CHASE, Cashier.

Subscribed and sworn to before me, this eleventh day of October, 1882.

CALVIN CROSS, Notary Public.

REPORT of the condition of the Wyandotte Savings Bank, at Wyandotte, Michigan, at the close of business, October 2d, A. D. 1882, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.

RESOURCES.	
Loans and Discounts.....	\$122,289 74
Due from Banks and Bankers.....	28,543 73
Revenue Stamps.....	4 00
Furniture and Fixtures.....	1,758 57
Silver.....	331 22
Expenses.....	20 17
Legal Tender and Bank Notes.....	2,684 00
	<u>\$150,529 43</u>

LIABILITIES.	
Capital.....	\$50,000 00
Due Depositors.....	97,436 07
Profit and Loss.....	3,093 36
	<u>\$150,529 43</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.
W. VAN MILLER, Cashier.

Subscribed and sworn to before me, this fourth day of October, 1882.

ROBERT V. BRIGGS, Notary Public.

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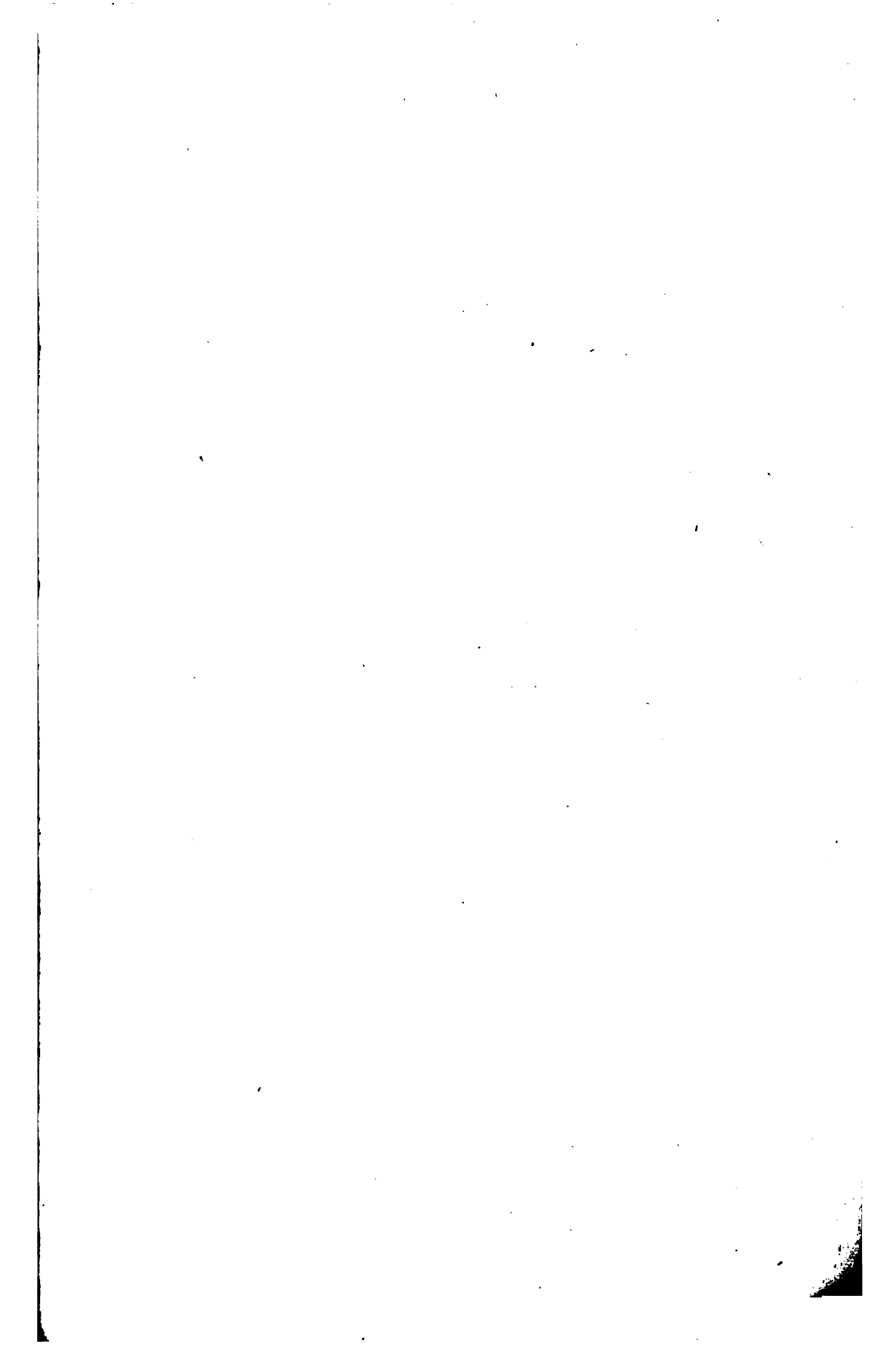
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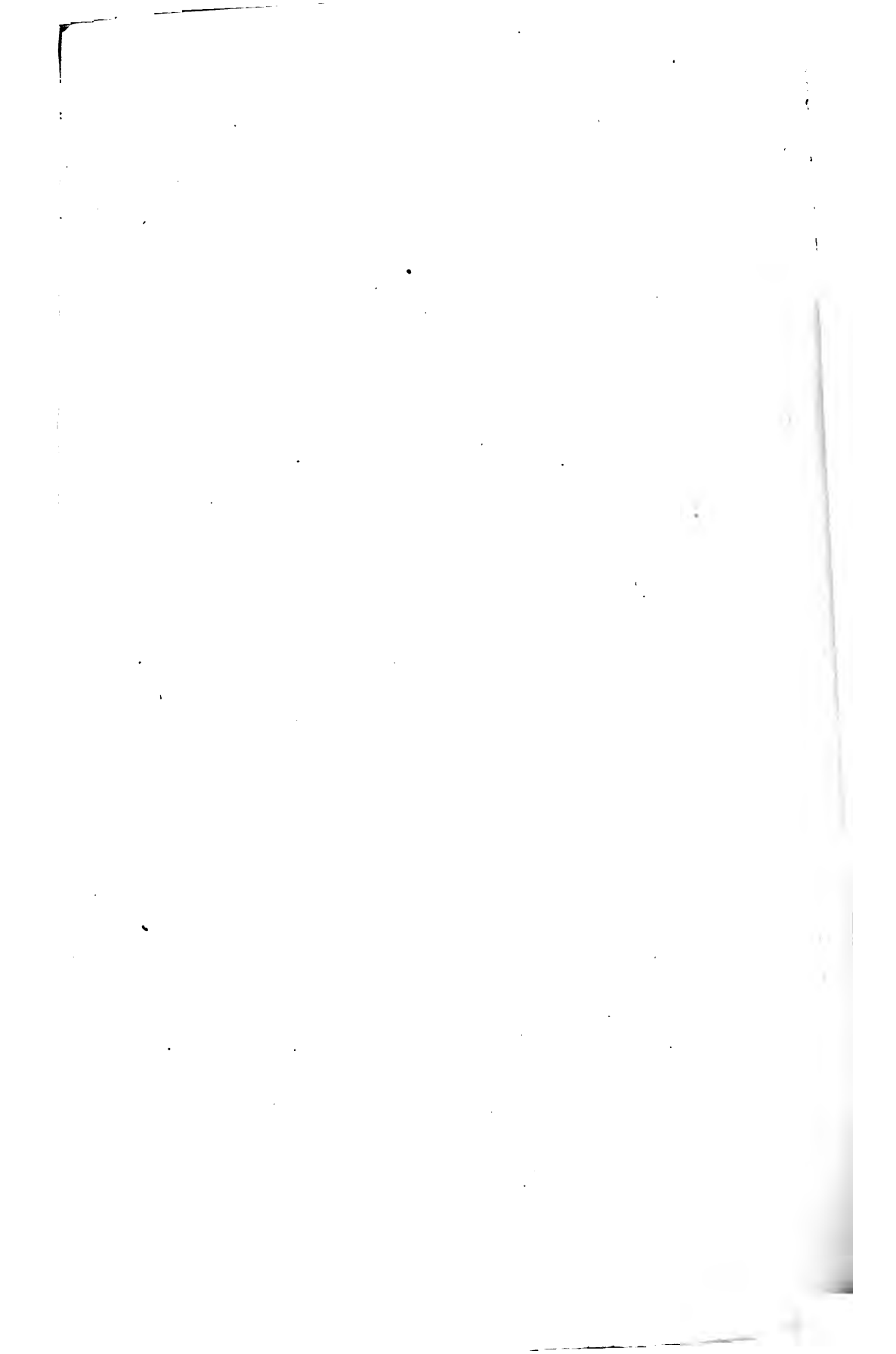
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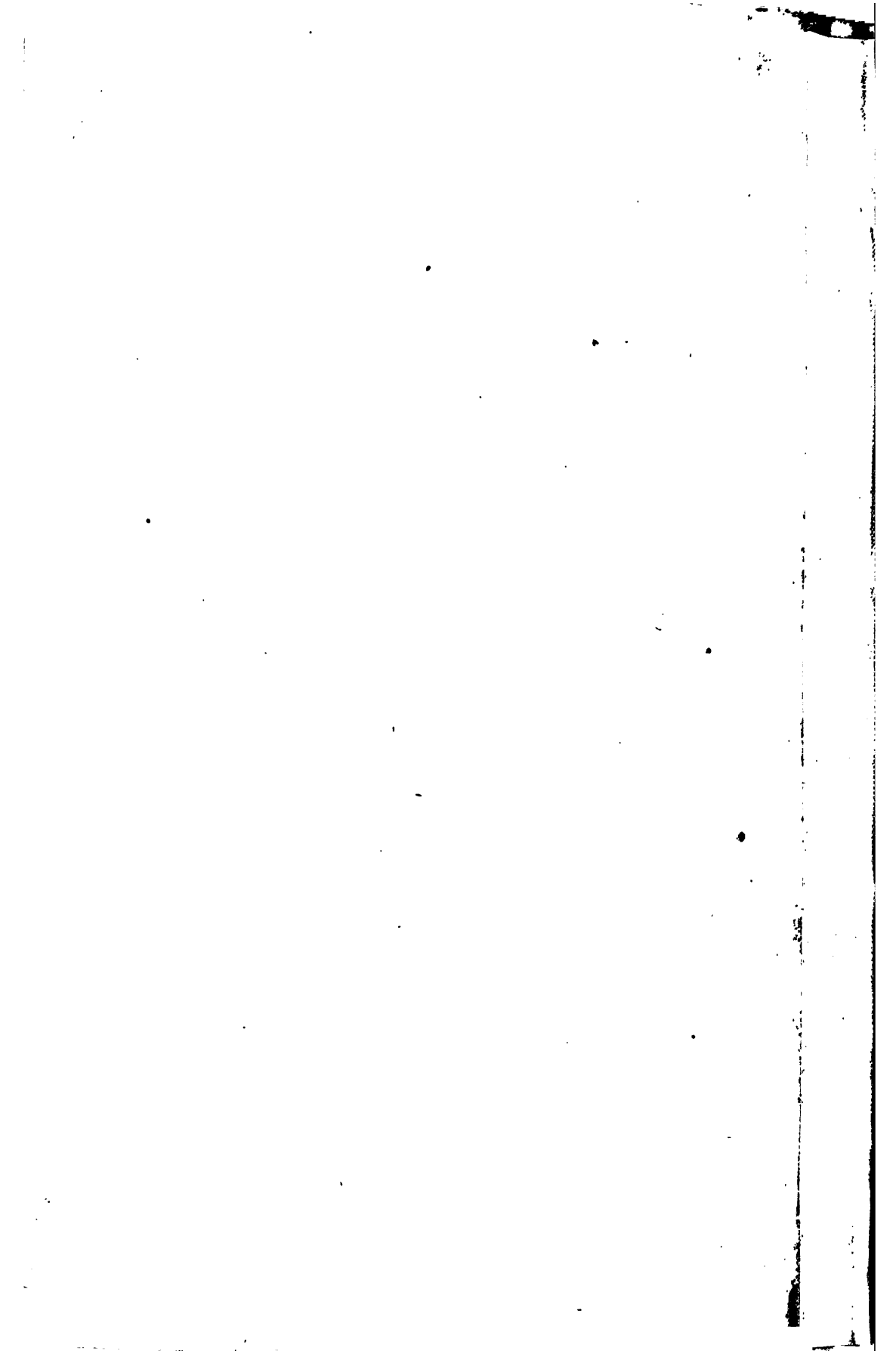
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